

EXHIBIT A

Case No. 21-CV-0817-TSZ

(Exhibit A to Declaration of Philip P. Mann)

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUNGIE, INC.,

Plaintiff,

v.

AIMJUNKIES.COM; PHOENIX
DIGITAL GROUP LLC; DAVID
SCHAEFER; JORDAN GREEN;
JEFFREY CONWAY; JAMES MAY,,

Defendants.

No. 2:21-cv-811-TSZ

BUNGIE, INC.'S OBJECTIONS AND
RESPONSES TO DEFENDANT
PHOENIX DIGITAL GROUP LLC'S
FIRST SET OF REQUESTS FOR
PRODUCTION

PRELIMINARY STATEMENT

The objections and responses set forth below are based upon such information that is presently available to Bungie. Bungie provides these objections and responses without prejudice to its right to assert additional objections and amend or supplement any or all of the information contained in its responses as additional facts are ascertained, analyses are made, and research is completed. These objections and responses are made without waiving or intending to waive, but on the contrary preserving:

a. all assertions as to competency, relevancy, materiality, privilege, and admissibility as evidence for any purpose of the responses or subject matter thereof, in any proceeding in this action, including trial, or in any other action;

BUNGIE'S OBJ. AND RESP. TO PHOENIX
DIGITAL'S FIRST SET OF RFPS – 1
(No. 2:21-cv-811-TSZ)

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, Washington 98101-3099
Phone: +1.206.359.8000
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The following objections apply to each and every Request propounded by Defendant Phoenix Digital Group LLC (“Phoenix Digital”) and are incorporated into each of the following specific responses by reference as if set forth in full in response to each individual Request. Any repetition is for emphasis only and not to the exclusion of any other General Objection.

1. Bungie objects to the Requests to the extent they call for information that is protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or

1 any other privilege, protection, or immunity provided by law (“Privileged Information”). Any
2 response should be construed to exclude Privileged Information. Inadvertent disclosure of
3 Privileged Information shall not constitute a waiver of, nor signify intent to waive, the applicable
4 privilege, either as to the information or documents inadvertently disclosed or as to any other
5 information or documents. Nothing contained in Bungie’s responses or the documents produced
6 is intended to be or should be considered a waiver by Bungie of any applicable protection.

7 2. Bungie objects to the Requests to the extent they are vague and ambiguous, use
8 terms that are not defined or understood, seek information that is not relevant to the subject
9 matter of this action or proportional to the needs of the case, and are unduly burdensome or
10 oppressive.

11 3. Bungie objects to the Requests to the extent they call for legal conclusions.

12 4. Bungie objects to the Requests to the extent they are premature. Discovery is
13 continuing in this action and Bungie has not completed its factual investigation. These responses
14 are made in good faith and after diligent inquiry into the facts and information now known to
15 Bungie as well as its present analysis of the case. However, documents that may be responsive
16 to the Requests may not yet have been discovered. Accordingly, without asserting an obligation
17 to do so, and without waiving the objections asserted herein, Bungie reserves the right to amend
18 and/or supplement its responses as and when additional information is discovered. Additionally,
19 because Bungie’s responses are based on information that it has identified to date, they do not
20 preclude Bungie from relying on facts or documents discovered or generated pursuant to
21 subsequent investigation and discovery.

22 5. Bungie objects to the Requests to the extent they seek information of a third party
23 that is in Bungie’s possession, custody, or control but is subject to an obligation of
24 confidentiality and/or nondisclosure to the third party. Bungie will provide such information and
25 documents or things only to the extent it can do so consistent with the Stipulated Protective
26 Order entered in this case (Dkt. No. 60).

1 6. Bungie objects to the Requests to the extent they seek documents or things not
2 within Bungie's possession, custody, or control, or not maintained by Bungie in its ordinary
3 course of business. Bungie will provide only relevant, non-privileged documents that are
4 presently within Bungie's possession, custody, or control and that it is able to locate after a
5 reasonable investigation.

6 7. Bungie objects to the Requests to the extent they seek documents or things in
7 Phoenix Digital's possession and/or available to Phoenix Digital from public sources.

8 8. Bungie objects to the Requests to the extent they seek documents or things more
9 efficiently and appropriately obtained through some other form of discovery.

10 9. Bungie objects to the Requests to the extent they seek disclosure of confidential,
11 proprietary, and trade secret information or information that is otherwise commercially sensitive,
12 and will only produce those documents consistent with the Stipulated Protective Order entered in
13 this case (Dkt. No. 60).

14 10. Bungie objects to the Requests, and their Definitions, to the extent they purport to
15 impose any requirement or discovery obligation on Bungie greater or different than those
16 imposed by the Federal Rules of Civil Procedure and the applicable rules and orders of this
17 Court. Bungie will respond to the Requests in compliance with the Federal Rules of Civil
18 Procedure and the Local Rules of this Court.

19 11. Bungie objects to Definitions 1 and 2 of Phoenix Digital's Requests on the
20 grounds that they are vague and ambiguous, specifically as to the term "Plaintiff" because it has
21 been given two different definitions. For purposes of these objections and responses, Bungie
22 interprets "Plaintiff" to refer to Bungie, Inc.

23 12. Bungie further objects to Definition 2 of Phoenix Digital's Requests on the
24 grounds that it is vague and ambiguous, specifically as to the meaning of the term "indirectly."
25 For purposes of these objections and responses, Bungie interprets this definition to encompass
26 only legal entities owned directly by Bungie.

RESPONSES**REQUEST FOR PRODUCTION NO. 1:**

A true and correct copy of the source code for the “Destiny 2” work identified in Copyright Registration No. TX 8-933-655.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1:

Subject to and without waiving its General Objections, Bungie will produce non-privileged documents responsive to this Request that are in Bungie’s possession, custody, or control, if any, that are located after a reasonably diligent search.

REQUEST FOR PRODUCTION NO. 2:

A true and correct copy of the source code for the “Destiny 2: Beyond Light” work identified in Copyright Registration No. TX 8-933-658

RESPONSE TO REQUEST FOR PRODUCTION NO. 2:

Subject to and without waiving its General Objections, Bungie will produce non-privileged documents responsive to this Request that are in Bungie’s possession, custody, or control, if any, that are located after a reasonably diligent search.

REQUEST FOR PRODUCTION NO. 3:

To the extent not provided in response to Request No. 1 above, a true and correct copy of the source code for the “Destiny 2” audiovisual work identified in Copyright Registration No. PA 2-282-670.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3:

In addition to its General Objections, Bungie objects to this Request as vague and ambiguous, specifically as to the meaning of “source code” in connection with an “audiovisual work.”

1 Subject to and without waiving these objections, Bungie offers to meet and confer
2 regarding this Request.

3
4 **REQUEST FOR PRODUCTION NO. 4:**

5 To the extent not provided in response to Request No. 2 above, a true and correct copy of
6 the source code for the “Destiny 2: Beyond Light” audiovisual work identified in Copyright
7 Registration No. PA 2-280-030.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 4:**

9 In addition to its General Objections, Bungie objects to this Request as vague and
10 ambiguous, specifically as to the meaning of “source code” in connection with an “audiovisual
11 work.”

12 Subject to and without waiving these objections, Bungie offers to meet and confer
13 regarding this Request.

14
15 **REQUEST FOR PRODUCTION NO. 5:**

16 All documents that refer or relate to Phoenix Digital Group LLC.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 5:**

18 In addition to its General Objections, Bungie objects to this request for “[a]ll documents”
19 as overly broad and unduly burdensome and is therefore not proportional to the needs of the case.
20 Bungie further objects to this Request as seeking documents protected by the attorney-client
21 privilege and/or attorney work product doctrine, as well as any other applicable immunity from
22 disclosure.

23 Subject to and without waiving these objections, Bungie will produce non-privileged
24 documents responsive to this Request that are in Bungie’s possession, custody, or control, if any,
25 that are located after a reasonably diligent search.

REQUEST FOR PRODUCTION NO. 6:

All documents that refer or relate to Aimjunkies.com.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6:

In addition to its General Objections, Bungie objects to this request for “[a]ll documents” as overly broad and unduly burdensome and is therefore not proportional to the needs of the case. Bungie further objects to this Request as seeking documents protected by the attorney-client privilege and/or attorney work product doctrine, as well as any other applicable immunity from disclosure.

Subject to and without waiving these objections, Bungie will produce non-privileged documents responsive to this Request that are in Bungie’s possession, custody, or control, if any, that are located after a reasonably diligent search.

REQUEST FOR PRODUCTION NO. 7:

All documents that refer or relate to Jeffrey Conway.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7:

In addition to its General Objections, Bungie objects to this request for “[a]ll documents” as overly broad and unduly burdensome and is therefore not proportional to the needs of the case. Bungie further objects to this Request as seeking documents protected by the attorney-client privilege and/or attorney work product doctrine, as well as any other applicable immunity from disclosure.

Subject to and without waiving these objections, Bungie will produce non-privileged documents responsive to this Request that are in Bungie’s possession, custody, or control, if any, that are located after a reasonably diligent search.

REQUEST FOR PRODUCTION NO. 8:

All documents that refer or relate to David Schaefer.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8:

In addition to its General Objections, Bungie objects to this request for “[a]ll documents” as overly broad and unduly burdensome and is therefore not proportional to the needs of the case. Bungie further objects to this Request as seeking documents protected by the attorney-client privilege and/or attorney work product doctrine, as well as any other applicable immunity from disclosure.

Subject to and without waiving these objections, Bungie will produce non-privileged documents responsive to this Request that are in Bungie’s possession, custody, or control, if any, that are located after a reasonably diligent search.

REQUEST FOR PRODUCTION NO. 9:

All documents that refer or relate to Jordan Green.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9:

In addition to its General Objections, Bungie objects to this request for “[a]ll documents” as overly broad and unduly burdensome and is therefore not proportional to the needs of the case. Bungie further objects to this Request as seeking documents protected by the attorney-client privilege and/or attorney work product doctrine, as well as any other applicable immunity from disclosure.

Subject to and without waiving these objections, Bungie will produce non-privileged documents responsive to this Request that are in Bungie’s possession, custody, or control, if any, that are located after a reasonably diligent search.

REQUEST FOR PRODUCTION NO. 10:

All documents that refer or relate to James May.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10:

In addition to its General Objections, Bungie objects to this request for “[a]ll documents” as overly broad and unduly burdensome and is therefore not proportional to the needs of the case. Bungie further objects to this Request as seeking documents protected by the attorney-client privilege and/or attorney work product doctrine, as well as any other applicable immunity from disclosure.

Subject to and without waiving these objections, Bungie will produce non-privileged documents responsive to this Request that are in Bungie’s possession, custody, or control, if any, that are located after a reasonably diligent search.

REQUEST FOR PRODUCTION NO. 11:

All documents that you contend show misuse or infringement by Phoenix Digital Group LLC of any Trademark referenced in your Amended Complaint.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11:

In addition to its General Objections, Bungie objects to this Request as vague and ambiguous, specifically as to the meaning of “misuse.” For purposes of responding to this Request, Bungie interprets “misuse” to mean “infringement.”

Subject to and without waiving these objections, Bungie will produce non-privileged documents responsive to this Request that are in Bungie’s possession, custody, or control, if any, that are located after a reasonably diligent search.

REQUEST FOR PRODUCTION NO. 12:

All records referring or relating to any of Defendants’ accounts on Steam/Bungie that refer or relate to Destiny 2.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12:

In addition to its General Objections, Bungie objects to this request for “[a]ll documents” as overly broad and unduly burdensome and is therefore not proportional to the needs of the case. Bungie further objects to this Request to the extent it is vague and ambiguous, specifically as to the meaning of “accounts on Steam/Bungie.” Bungie also objects to this Request to the extent it seeks documents or things not within Bungie’s possession, custody, or control.

Subject to and without waiving these objections, Bungie will produce non-privileged documents responsive to this Request that are in Bungie’s possession, custody, or control, if any, that are located after a reasonably diligent search.

REQUEST FOR PRODUCTION NO. 13:

Any and all information collected by Bungie regarding all players computer operating environments, including but not limited to logs of running processes, Windows kernel level information, game memory, browser history and records relating to running processes.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13:

In addition to its General Objections, Bungie objects to this request for “[a]ny and all information” collected by Bungie regarding “all players” as overly broad and unduly burdensome and is therefore not proportional to the needs of the case. Bungie further objects to this Request as seeking documents neither relevant to the claim or defense of any party nor reasonably proportional to the needs of the case. “Any and all information” collected by Bungie regarding “all players,” regardless of their involvement in the issues in this case, is not relevant to this case. Bungie also objects to this Request as seeking proprietary, high-security information, and irrelevant information that Bungie reasonably believes could be used in furtherance of unlawful conduct.

Subject to and without waiving these objections, Bungie intends to withhold documents based on each of these objections.

REQUEST FOR PRODUCTION NO. 14:

All communications including emails, phone calls, Discord or any other method of electronic communication including communications from internal company data engineers specifically hired in July 2021 specializing in anticheating methods.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14:

In addition to its General Objections, Bungie objects to this request for “[a]ll communications” as overly broad and unduly burdensome and is therefore not proportional to the needs of the case. Bungie further objects to this Request as seeking documents neither relevant to the claim or defense of any party nor reasonably proportional to the needs of the case. “All communications” from “internal company data engineers specifically hired in July 2021 specializing in anticheating methods” unspecified in subject matter or time period are not relevant to this case. Bungie further objects to this Request as vague and ambiguous to the extent it requests the production of “phone calls.” Bungie also objects to this Request to the extent that disclosure of responsive documents exposes Bungie employees to risk of physical harm from third parties.

Subject to and without waiving these objections, Bungie intends to withhold documents based on each of these objections.

REQUEST FOR PRODUCTION NO. 15:

All information in your possession or control collected by Steam regarding players computer operating environments, including but not limited to logs of running processes, Windows kernel level information, game memory, browser history and records relating to running processes shared with Bungie. Communications including emails, phone calls, Discord or any other method of electronic communication.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15:

In addition to its General Objections, Bungie objects to this request for “[a]ll information” as overly broad and unduly burdensome and is therefore not proportional to the needs of the case.

1 Bungie further objects to this Request as seeking documents neither relevant to the claim or
2 defense of any party nor reasonably proportional to the needs of the case. The
3 “information...collected by Steam regarding players computer operating environments” is not
4 relevant to this case. Bungie also objects to this Request as vague, ambiguous, and confusing,
5 specifically as to the meaning of the sentence “Communications including emails, phone calls,
6 Discord or any other method of electronic communication.” Bungie also objects to this Request as
7 seeking proprietary, high-security information, and irrelevant information that Bungie reasonably
8 believes could be used in furtherance of unlawful conduct.

9 Subject to and without waiving these objections, Bungie responds that it does not have
10 documents responsive to this Request in its possession, custody, or control
11

12 **REQUEST FOR PRODUCTION NO. 16:**

13 All information collected by Battleye regarding players computer operating
14 environments, including but not limited to logs of running processes, Windows kernel level
15 information, game memory, browser history and records relating to running processes shared with
16 Bungie.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

18 In addition to its General Objections, Bungie objects to this request for “[a]ll information”
19 as overly broad and unduly burdensome and is therefore not proportional to the needs of the case.
20 Bungie further objects to this Request as seeking documents neither relevant to the claim or
21 defense of any party nor reasonably proportional to the needs of the case. “All information”
22 collected by Battleye regarding “players computer operating environments” is not relevant to this
23 case. Bungie also objects to this Request as seeking proprietary, high-security information, and
24 irrelevant information that Bungie reasonably believes could be used in furtherance of unlawful
25 conduct.
26

1 Subject to and without waiving these objections, Bungie intends to withhold documents
2 based on each of these objections.

3
4 **REQUEST FOR PRODUCTION NO. 17:**

5 All communications including emails, phone calls, Discord or any other method of
6 electronic communication.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

8 In addition to its General Objections, Bungie objects to this request for “[a]ll
9 communications” unqualified by subject matter, time period, or person(s) as overly broad, unduly
10 burdensome, and seeking documents neither relevant to the claim or defense of any party nor
11 reasonably proportional to the needs of the case. Bungie further objects to this Request as vague
12 and ambiguous to the extent it requests the production of “phone calls.” Bungie further objects to
13 this Request as seeking documents protected by the attorney-client privilege and/or attorney work
14 product doctrine, as well as any other applicable immunity from disclosure.

15 Subject to and without waiving these objections, Bungie intends to withhold documents
16 based on each of these objections.

17
18 **REQUEST FOR PRODUCTION NO. 18:**

19 All information collected by Bungie/Steam/Battleeye regarding any of David Schaefer,
20 Jordan Green, Jeff Conway, James May or Phoenix Digital Group’s computers operating
21 environments, including but not limited to logs of running processes, kernel level information,
22 game memory, browser history and records relating to running processes.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

24 In addition to its General Objections, Bungie objects to this request for “[a]ll information”
25 as overly broad and unduly burdensome and is therefore not proportional to the needs of the case.
26 Bungie further objects to this request as vague and ambiguous as it seeks documents regarding

1 certain computers without sufficiently identifying those computers, including, for instance, by
2 providing the IP address of the devices. Bungie further objects to this Request as seeking
3 documents neither relevant to the claim or defense of any party nor reasonably proportional to the
4 needs of the case. “All information,” if any, collected by Bungie, Steam, or Battleye regarding the
5 Defendants is not relevant to this matter. Bungie also objects to this Request as seeking
6 proprietary, high-security information, and irrelevant information that Bungie reasonably believes
7 could be used in furtherance of unlawful conduct.

8 Subject to and without waiving these objections, Bungie intends to withhold documents
9 based on each of these objections.

10
11 **REQUEST FOR PRODUCTION NO. 19:**

12 All communications including emails, phone calls, Discord or any other method of
13 electronic communication relating to any of David Schaefer, Jordan Green, Jeff Conway, James
14 May or Phoenix Digital Group.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

16 In addition to its General Objections, Bungie objects to this request for “[a]ll
17 communications” as overly broad and unduly burdensome and is therefore not proportional to the
18 needs of the case. Bungie further objects to this Request as vague and ambiguous to the extent it
19 requests the production of “phone calls.” Bungie further objects to this Request to the extent it is
20 duplicative of Request Nos. 5–10.

21 Subject to and without waiving these objections, Bungie will produce non-privileged
22 documents responsive to this Request that are in Bungie’s possession, custody, or control, if any,
23 that are located after a reasonably diligent search.

REQUEST FOR PRODUCTION NO. 20:

Any and all records, emails or any other electronic communications, regarding Bungies claimed acquisition of Aimjunkies Destiny 2 cheat product.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20:

In addition to its General Objections, Bungie objects to this request for “[a]ny and all records, emails or any other electronic communications” as overly broad and unduly burdensome and is therefore not proportional to the needs of the case. Bungie further objects to this Request to the extent it seeks documents protected by the attorney-client privilege and/or attorney work product doctrine, as well as any other applicable immunity from disclosure.

Subject to and without waiving these objections, Bungie will produce non-privileged documents responsive to this Request that are in Bungie’s possession, custody, or control, if any, that are located after a reasonably diligent search.

REQUEST FOR PRODUCTION NO. 21:

Any and all records of information that has been shared by Bungie or Perkins/Coie with Mitchell Silberg & Knupp LLP and/or Badgley Mullins Turner PLLC, and/or Davis Wright Tremaine LLP regarding any of David Schaefer, Jordan Green, Jeff Conway, James May or Phoenix Digital Group,

RESPONSE TO REQUEST FOR PRODUCTION NO. 21:

In addition to its General Objections, Bungie objects to this request for “[a]ny and all records of information” as overly broad and unduly burdensome and is therefore not proportional to the needs of the case. Bungie further objects to this Request as seeking documents neither relevant to the claim or defense of any party nor reasonably proportional to the needs of the case. Information shared by Bungie with its outside legal counsel regarding Defendants is not relevant to any issues in this case. Bungie further objects to this Request to as seeking documents protected

1 by the attorney-client privilege and/or attorney work product doctrine, as well as any other
2 applicable immunity from disclosure.

3 Subject to and without waiving these objections, Bungie intends to withhold documents
4 based on each of these objections.

5
6 Dated: July 25, 2022

By: /s/ Jacob P. Dini

William C. Rava, Bar No. 29948

Jacob P. Dini, Bar No. 54115

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JDini@perkinscoie.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that they served a copy of the foregoing Bungie, Inc.'s Objections and Responses to Defendant Phoenix Digital Group LLC's First Set of Requests for Production to the following on July 25, 2022, via email at the address below:

Philip P. Mann, WSBA No. 28860
Mann Law Group PLLC
403 Madison Ave. N.
Suite 240
Bainbridge Island, WA 98110
Email: phil@mannlawgroup.com

Dated: July 25, 2022

/s/ Jacob P. Dini
Jacob P. Dini

CERTIFICATE OF SERVICE
(No. 2:21-cv-811-TSZ)

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THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC., a Delaware corporation,

Plaintiff

v.

AIMJUNKIES.COM, a business of unknown
classification; PHOENIX DIGITAL GROUP
LLC, an Arizona limited liability company;
JEFFREY CONWAY, an individual; DAVID
SCHAEFER, an individual; JORDAN GREEN,
an individual; and JAMES MAY, an individual,

Defendants.

Cause No. 2:21-cv-0811 TSZ

**DEFENDANT JEFFREY
CONWAY'S RESPONSES TO
PLAINTIFF'S FIRST
INTERROGATORY NO. 1**

Pursuant to Federal Rule of Civil Procedure 26, 33 AND 34, Defendant Jeffrey
Conway ("Mr. Conway") hereby responds to Plaintiff Bungie, Inc.'s First Interrogatory No. 1
as follows:

GENERAL OBJECTIONS

Jeffrey Conway makes the following objections to Plaintiff's First Set of Requests For
Production of Documents:

1. To the extent Plaintiff's definitions and instructions are inconsistent with the
appropriate Federal Rules of Civil Procedure, such as Fed. R. Civ. P. 26 and 34, Mr. Conway
will rely upon the Federal Rules of Civil Procedure, the Local Rules and governing case law
with respect to the subject definitions and instructions and responses.

1 2. Where an interrogatory includes words or concepts indicative of a legal
2 conclusion, Mr. Conway does not represent or concede that such legal conclusions or
3 concepts apply.

4 3. In those instances where the responses to Plaintiff's interrogatories can be
5 derived from the records of Mr. Conway or from an examination, audit or inspection of such
6 records, and the burden of deriving or ascertaining the response is substantially the same for
7 Plaintiff and Mr. Conway, Mr. Conway will specify the records from which a complete
8 response may be ascertained and afford Plaintiff's counsel a reasonable opportunity to audit,
9 inspect and copy such records or provide categorized copies of such records in accordance
10 with Federal Rules of Civil Procedure 33(c).

11 4. The absence of Mr. Conway's standing on objections should not be construed
12 as agreement that particular documents exist or will be produced. (Colloquially: "The
13 absence of 'no' does not mean 'yes.'").

14 5. Certain categories are premature since they request Mr. Conway to produce
15 documents it does not necessarily have right now, but may or will have in the future (e.g.,
16 documents on which Mr. Conway will rely for particular issues, exhibits Mr. Conway will
17 use, witnesses and witness lists, documents relating to damages, etc.). Mr. Conway will
18 comply with such requests through seasonal supplementation of its document production or
19 through reliance on documents produced by others.

20 6. To the extent any interrogatory calls for documents or things that are governed
21 by contractual confidentiality provisions against disclosure, Mr. Conway objects to providing
22 any such documents or things in any manner that would contravene Mr. Conway's obligations
23 absent a Court order.

RESPONSE TO INTERROGATORY**INTERROGATORY NO. 1:**

Identify all methods and modes of communication you use or have used to communicate regarding Destiny 2, the Cheat Software or this Action including but not limited to by providing for all such communications, all e-mail addresses used, user handles or aliases on social media or other platforms used, account or server names or identifiers for any instant/direct messaging platforms (e.g., Whatsapp, Slack, Telegram, Teamspeak) used, text messaging services or phone numbers, and/or any other form of communication.

RESPONSE:

The answer to this Interrogatory may be ascertained by reference to documents and records available to Bungie and, in particular, the documents produced by Phoenix Digital in this matter as well as those produced by the recipients of Bungie's subpoenas in this matter, as well as social media accounts accessible to Bungie.

Dated October 10, 2022.

/s/ Philip P. Mann

Philip P. Mann, WSBA No: 28860

Mann Law Group PLLC

403 Madison Ave. N. Ste. 240

Bainbridge Island, Washington 98110

Phone (206) 436-0900

phil@mannlawgroup.com

Attorneys for Defendants

Verification

AS TO RESPONSES TO INTERROGATORIES:

Jeffrey Conway, being duly sworn, deposes and says that he is the President of Phoenix Digital Group LLC, Defendant in the above-captioned action, that he has read the foregoing responses by him subscribed, that said responses were prepared with the assistance of counsel upon which he has relied and is based on his experiences and knowledge, and that subject to said limitations, the responses are true, correct and complete to the best of his information and belief.

DATED this 10th day of October, 2022.

Jeffrey Conway

AS TO OBJECTIONS:

/s/ Philip P. Mann
Philip P. Mann

CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2022, I caused the foregoing document to be electronically mailed to counsel of record as follows:

WRava@perkinscoie.com

JDini@perkinscoie.com

CMarcelo@perkinscoie.com

s/ Philip P. Mann

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC., a Delaware corporation,

Plaintiff

v.

AIMJUNKIES.COM, a business of unknown
classification; PHOENIX DIGITAL GROUP
LLC, an Arizona limited liability company;
JEFFREY CONWAY, an individual; DAVID
SCHAEFER, an individual; JORDAN GREEN,
an individual; and JAMES MAY, an individual,

Defendants.

Cause No. 2:21-cv-0811 TSZ

**DEFENDANT JEFFREY
CONWAY'S RESPONSES TO
PLAINTIFF'S FIRST SET OF
REQUESTS FOR
PRODUCTION NOS. 1-22**

Pursuant to Federal Rule of Civil Procedure 26, 33 AND 34, Defendant Jeffrey
Conway ("Mr. Conway") hereby responds to Plaintiff Bungie, Inc.'s First Set of Requests for
Production as follows:

GENERAL OBJECTIONS

Jeffrey Conway makes the following objections to Plaintiff's Second First Set of
Requests For Production of Documents:

1. To the extent Plaintiff's definitions and instructions are inconsistent with the
appropriate Federal Rules of Civil Procedure, such as Fed. R. Civ. P. 26 and 34, Mr. Conway
will rely upon the Federal Rules of Civil Procedure, the Local Rules and governing case law
with respect to the subject definitions and instructions and responses.

1 2. Where a request includes words or concepts indicative of a legal conclusion,
2 Mr. Conway does not represent or concede that such legal conclusions or concepts apply.

3 3. In those instances where the responses to Plaintiff's document requests can be
4 derived from the records of Mr. Conway or from an examination, audit or inspection of such
5 records, and the burden of deriving or ascertaining the response is substantially the same for
6 Plaintiff and Mr. Conway, Mr. Conway will specify the records from which a complete
7 response may be ascertained and afford Plaintiff's counsel a reasonable opportunity to audit,
8 inspect and copy such records or provide categorized copies of such records in accordance
9 with Federal Rules of Civil Procedure 33(c).

10 4. The absence of Mr. Conway's standing on objections should not be construed
11 as agreement that particular documents exist or will be produced. (Colloquially: "The
12 absence of 'no' does not mean 'yes.'").

13 5. Certain categories are premature since they request Mr. Conway to produce
14 documents it does not necessarily have right now, but may or will have in the future (e.g.,
15 documents on which Mr. Conway will rely for particular issues, exhibits Mr. Conway will
16 use, witnesses and witness lists, documents relating to damages, etc.). Mr. Conway will
17 comply with such requests through seasonal supplementation of its document production or
18 through reliance on documents produced by others.

19 6. To the extent any document request calls for documents or things that are
20 governed by contractual confidentiality provisions against disclosure, Mr. Conway objects to
21 providing any such documents or things in any manner that would contravene Mr. Conway's
22 obligations absent a Court order.

RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Produce copies of all versions, including the most recent version, of the Cheat Software, including but not limited to the source code and object code for the Cheat Software.

RESPONSE:

No such documents are in the possession and/or control of Mr. Conway.

REQUEST FOR PRODUCTION NO. 2:

Produce all documents referring or relating to the Cheat Software.

RESPONSE:

No such documents are in the possession and/or control of Mr. Conway.

REQUEST FOR PRODUCTION NO. 3:

Produce all documents referring or relating to Destiny 2.

RESPONSE:

No such documents are in the possession and/or control of Mr. Conway.

REQUEST FOR PRODUCTION NO. 4:

Produce all communications relating to or referencing or mentioning Destiny 2.

RESPONSE:

No such documents are in the possession and/or control of Mr. Conway.

REQUEST FOR PRODUCTION NO. 5:

Produce all communications relating to or referencing or mentioning the Cheat Software.

RESPONSE:

No such documents are in the possession and/or control of Mr. Conway.

REQUEST FOR PRODUCTION NO. 6:

Produce all communications relating to or referencing or mentioning Bungie.

1 **RESPONSE:**

2 No such documents are in the possession and/or control of Mr. Conway.

3 **REQUEST FOR PRODUCTION NO. 7:**

4 Produce all communications referencing or mentioning the Action.

5 **RESPONSE:**

6 No such documents are in the possession and/or control of Mr. Conway.

7 **REQUEST FOR PRODUCTION NO. 8:**

8 Produce all communications relating to the creation, development, modification,
9 updating, and/or patching of the Cheat Software.

10 **RESPONSE:**

11 No such documents are in the possession and/or control of Mr. Conway.

12 **REQUEST FOR PRODUCTION NO. 9:**

13 Produce all documents and communications sent to or from, or referring or relating to
14 Andreas Banek.

15 **RESPONSE:**

16 No such documents are in the possession and/or control of Mr. Conway.

17 **REQUEST FOR PRODUCTION NO. 10:**

18 Produce all documents and communications sent to or from, or referring or relating to
19 Jason Hahn, Alexandria Fajardo, and/or the AimJunkies.com forum account(s) named
20 “SSJason” in connection with the Cheat Software.

21 **RESPONSE:**

22 No such documents are in the possession and/or control of Mr. Conway.

23 **REQUEST FOR PRODUCTION NO. 11:**

24 Produce all documents and communications regarding any of your efforts to recruit,
25 hire, contract with, retain, and/or compensate any person(s) for the creation, development,
26 modification, updating, and/or patching of the Cheat Software.

RESPONSE:

No such documents are in the possession and/or control of Mr. Conway.

REQUEST FOR PRODUCTION NO. 12:

Produce documents sufficient to identify the name(s) of any account(s) on the AimJunkies.com forums that you, Robin Conway, Rory Conway, or any other member of your family have used and/or controlled.

RESPONSE:

No such documents are in the possession and/or control of Mr. Conway.

REQUEST FOR PRODUCTION NO. 13:

Produce documents sufficient to show any distributions or other payments made by Phoenix Digital to you, Robin Conway, Rory Conway, and/or any other member of your family, including but not limited to documents sufficient to show the date of the payment, the accounts from which the payment was sent and to which it was received, and the purpose of the payment.

RESPONSE:

Mr. Conway is unable to respond to this request in that he does not have possession or control of documents relating to non-parties Robin Conway, Rory Conway, “and/or any other member of [his] family. Mr. Conway objects to this request to the extent it apparently seeks “any distribution or other payments” that are unrelated to the “Cheat Software” at issue here and, therefore, requests private financial information unrelated to any issue in this matter.

REQUEST FOR PRODUCTION NO. 14:

Produce all communications with James May.

RESPONSE:

No such documents are in the possession and/or control of Mr. Conway.

REQUEST FOR PRODUCTION NO. 15:

Produce all communications with Defendants and/or Warren Apenzeller relating to the Cheat Software and/or the Action.

1 **RESPONSE:**

2 No such documents are in the possession and/or control of Mr. Conway.

3 **REQUEST FOR PRODUCTION NO. 16:**

4 Produce documents sufficient to identify any Bungie and/or Destiny 2 account(s)
5 created and/or controlled by you.

6 **RESPONSE:**

7 No such documents are in the possession and/or control of Mr. Conway. Answering
8 further, Mr. Conway states he never had any “Bungie and/or Destiny 2 account(s).

9 **REQUEST FOR PRODUCTION NO. 17:**

10 Produce documents sufficient to identify any Steam, Xbox Live, and/or PlayStation
11 Plus account(s) created and/or controlled by you.

12 **RESPONSE:**

13 No such documents are in the possession and/or control of Mr. Conway.

14 **REQUEST FOR PRODUCTION NO. 18:**

15 Produce all documents and communications relating to the sale of AimJunkies.com to
16 any person or entity, including but not limited to Blome Entertainment.

17 **RESPONSE:**

18 No such documents are in the possession and/or control of Mr. Conway.

19 **REQUEST FOR PRODUCTION NO. 19:**

20 Produce all documents and communications relating to the press release issued on or
21 about May 23, 2022, concerning the purported sale of AimJunkies.com to Blome
22 Entertainment, including but not limited documents and communications related to the
23 creation and drafting of the press release, and documents and communications relating to and
24 sufficient to identify Andreas Banek and Warren Apenzeller.
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RESPONSE:

No such documents are in the possession and/or control of Mr. Conway. Answering further, no press release concerning a “purported” sale of AimJunkies.com to Blome Entertainment,” was ever “issued.”

REQUEST FOR PRODUCTION NO. 20:

Produce all documents referring or relating to your management of Phoenix Digital finances, including but not limited to all payments made by you or under your direction related to the Cheat Software.

RESPONSE:

No such documents are in the possession and/or control of Mr. Conway.

REQUEST FOR PRODUCTION NO. 21:

Produce all documents and communications relating to your departure from Phoenix0 Digital, including but not limited to any communications with the other Defendants regarding your decision, documents related to any formal steps taken by you or Phoenix Digital to leave the company, and/or documents related any transfer of ownership of Phoenix Digital's bank accounts, payment processor accounts, or any other financial accounts owned or controlled by you while a member of Phoenix Digital.

RESPONSE:

No such documents are in the possession and/or control of Mr. Conway.

REQUEST FOR PRODUCTION NO. 22:

Produce all documents related to any bank accounts, financial accounts, payment processor accounts, or any other source(s) of funds or accounts owned by you that are or have been used to process and or store funds related to the sale of the Cheat Software.

RESPONSE:

No such documents are in the possession and/or control of Mr. Conway.

Dated October 10, 2022.

/s/ Philip P. Mann

Philip P. Mann, WSBA No: 28860
Mann Law Group PLLC
403 Madison Ave. N. Ste. 240
Bainbridge Island, Washington 98110
Phone (206) 436-0900
phil@mannlawgroup.com
Attorneys for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2022, I caused the foregoing document to be electronically mailed to counsel of record as follows:

WRava@perkinscoie.com

JDini@perkinscoie.com

CMarcelo@perkinscoie.com

s/ Philip P. Mann

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC., a Delaware corporation,

Plaintiff

v.

AIMJUNKIES.COM, a business of unknown
classification; PHOENIX DIGITAL GROUP
LLC, an Arizona limited liability company;
JEFFREY CONWAY, an individual; DAVID
SCHAEFER, an individual; JORDAN GREEN,
an individual; and JAMES MAY, an individual,

Defendants.

Cause No. 2:21-cv-0811 TSZ

**DEFENDANT DAVID
SCHAEFER'S RESPONSES
TO PLAINTIFF'S FIRST SET
OF INTERROGATORIES NOS.
1-3**

Pursuant to Federal Rule of Civil Procedure 26, 33 AND 34, Defendant David
Schaefer ("Mr. Schaefer") hereby responds to Plaintiff Bungie, Inc.'s First Set of
Interrogatories Nos. 1-3 as follows:

GENERAL OBJECTIONS

Mr. Schaefer makes the following objections to Plaintiff's First Set of Requests For
Production of Documents:

1. To the extent Plaintiff's definitions and instructions are inconsistent with the
appropriate Federal Rules of Civil Procedure, such as Fed. R. Civ. P. 26 and 34, Mr. Schaefer
will rely upon the Federal Rules of Civil Procedure, the Local Rules and governing case law
with respect to the subject definitions and instructions and responses.

1 2. Where an interrogatory includes words or concepts indicative of a legal
2 conclusion, Mr. Schaefer does not represent or concede that such legal conclusions or
3 concepts apply.

4 3. In those instances where the responses to Plaintiff's interrogatories can be
5 derived from the records of Mr. Schaefer or from an examination, audit or inspection of such
6 records, and the burden of deriving or ascertaining the response is substantially the same for
7 Plaintiff and Mr. Schaefer, Mr. Schaefer will specify the records from which a complete
8 response may be ascertained and afford Plaintiff's counsel a reasonable opportunity to audit,
9 inspect and copy such records or provide categorized copies of such records in accordance
10 with Federal Rules of Civil Procedure 33(c).

11 4. The absence of Mr. Schaefer's standing on objections should not be construed
12 as agreement that particular documents exist or will be produced. (Colloquially: "The
13 absence of 'no' does not mean 'yes.'").

14 5. Certain categories are premature since they request Mr. Schaefer to produce
15 documents it does not necessarily have right now, but may or will have in the future (e.g.,
16 documents on which Mr. Schaefer will rely for particular issues, exhibits Mr. Schaefer will
17 use, witnesses and witness lists, documents relating to damages, etc.). Mr. Schaefer will
18 comply with such requests through seasonal supplementation of its document production or
19 through reliance on documents produced by others.

20 6. To the extent any interrogatory calls for documents or things that are governed
21 by contractual confidentiality provisions against disclosure, Mr. Schaefer objects to providing
22 any such documents or things in any manner that would contravene Mr. Schaefer's
23 obligations absent a Court order.

RESPONSE TO INTERROGATORY**INTERROGATORY NO. 1:**

Describe all facts relating to your knowledge of the Cheat Software, including but not limited to the date on which you first learned of it, with whom you communicated with about the Cheat Software, and when you first acquired the Cheat Software.

RESPONSE:

See Phoenix Digital's responses, served July 25, 2022, to Bungie's First Set of Interrogatories to Phoenix Digital. Answering further: On or about October 1, 2019; Andreas Banek. Mr. Schaefer never "acquired" the Cheat Software.

INTERROGATORY NO. 2:

Describe all facts relating to your responsibilities and activities as a member of Phoenix Digital, including as they relate to the marketing, sale, and distribution of the Cheat Software, and your decision to market, sell, and distribute the Cheat Software.

RESPONSE:

See Response to Interrogatory No. 1 above. Responsibilities and activities are those associated with a Chief Executive Officer.

INTERROGATORY NO. 3:

Identify all methods and modes of communication you use or have used to communicate regarding Destiny 2, the Cheat Software or this Action including but not limited to by providing for all such communications, all e-mail addresses used, user handles or aliases on social media or other platforms used, account or server names or identifiers for any instant/direct messaging platforms (e.g., Whatsapp, Slack, Telegram, Teamspeak) used, text messaging services or phone numbers, and/or any other form of communication.

MANN LAW GROUP PLLC
403 Madison Ave. N. Ste. 240
Seattle, WA 98110
Phone: 206.436.0900

The answer to this Interrogatory may be ascertained by reference to documents and records available to Bungie and, in particular, the documents produced by Phoenix Digital in this matter as well as those produced by the recipients of Bungie's subpoenas in this matter, as well as social media accounts accessible to Bungie.

/s/ Philip P. Mann

Mann Law Group PLLC

Bainbridge Island, Washington 98110

phil@mannlawgroup.com

Attorneys for Defendants

Verification

AS TO RESPONSES TO INTERROGATORIES:

David Schaefer, being duly sworn, deposes and says that he is the President of Phoenix Digital Group LLC, Defendant in the above-captioned action, that he has read the foregoing responses by him subscribed, that said responses were prepared with the assistance of counsel upon which he has relied and is based on his experiences and knowledge, and that subject to said limitations, the responses are true, correct and complete to the best of his information and belief.

DATED this 10th day of October, 2022.

David Schaefer

AS TO OBJECTIONS:

/s/ Philip P. Mann
Philip P. Mann

CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2022, I caused the foregoing document to be electronically mailed to counsel of record as follows:

WRava@perkinscoie.com

JDini@perkinscoie.com

CMarcelo@perkinscoie.com

s/ Philip P. Mann

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC., a Delaware corporation,

Plaintiff

v.

AIMJUNKIES.COM, a business of unknown
classification; PHOENIX DIGITAL GROUP
LLC, an Arizona limited liability company;
JEFFREY CONWAY, an individual; DAVID
SCHAEFER, an individual; JORDAN GREEN,
an individual; and JAMES MAY, an individual,

Defendants.

Cause No. 2:21-cv-0811 TSZ

**DEFENDANT DAVID
SCHAEFER'S RESPONSES TO
PLAINTIFF'S FIRST SET OF
REQUESTS FOR
PRODUCTION NOS. 1-25**

Pursuant to Federal Rule of Civil Procedure 26, 33 AND 34, Defendant David
Schaefer ("Mr. Schaefer") hereby responds to Plaintiff Bungie, Inc.'s First Set of Requests
for Production as follows:

GENERAL OBJECTIONS

David Schaefer makes the following objections to Plaintiff's Second First Set of
Requests For Production of Documents:

1. To the extent Plaintiff's definitions and instructions are inconsistent with the
appropriate Federal Rules of Civil Procedure, such as Fed. R. Civ. P. 26 and 34, Mr. Schaefer
will rely upon the Federal Rules of Civil Procedure, the Local Rules and governing case law
with respect to the subject definitions and instructions and responses.

1 2. Where a request includes words or concepts indicative of a legal conclusion,
2 Mr. Schaefer does not represent or concede that such legal conclusions or concepts apply.

3 3. In those instances where the responses to Plaintiff's document requests can be
4 derived from the records of Mr. Schaefer or from an examination, audit or inspection of such
5 records, and the burden of deriving or ascertaining the response is substantially the same for
6 Plaintiff and Mr. Schaefer, Mr. Schaefer will specify the records from which a complete
7 response may be ascertained and afford Plaintiff's counsel a reasonable opportunity to audit,
8 inspect and copy such records or provide categorized copies of such records in accordance
9 with Federal Rules of Civil Procedure 33(c).

10 4. The absence of Mr. Schaefer's standing on objections should not be construed
11 as agreement that particular documents exist or will be produced. (Colloquially: "The
12 absence of 'no' does not mean 'yes.'").

13 5. Certain categories are premature since they request Mr. Schaefer to produce
14 documents it does not necessarily have right now, but may or will have in the future (e.g.,
15 documents on which Mr. Schaefer will rely for particular issues, exhibits Mr. Schaefer will
16 use, witnesses and witness lists, documents relating to damages, etc.). Mr. Schaefer will
17 comply with such requests through seasonal supplementation of its document production or
18 through reliance on documents produced by others.

19 6. To the extent any document request calls for documents or things that are
20 governed by contractual confidentiality provisions against disclosure, Mr. Schaefer objects to
21 providing any such documents or things in any manner that would contravene Mr. Schaefer's
22 obligations absent a Court order.

RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Produce copies of all versions, including the most recent version, of the Cheat Software, including but not limited to the source code and object code for the Cheat Software.

RESPONSE:

No such documents are in the possession and/or control of Mr. Schaefer.

REQUEST FOR PRODUCTION NO. 2:

Produce all documents referring or relating to the Cheat Software.

RESPONSE:

No such documents are in the possession and/or control of Mr. Schaefer.

REQUEST FOR PRODUCTION NO. 3:

Produce all documents referring or relating to Destiny 2.

RESPONSE:

No such documents are in the possession and/or control of Mr. Schaefer.

REQUEST FOR PRODUCTION NO. 4:

Produce all communications relating to or referencing or mentioning Destiny 2.

RESPONSE:

No such documents are in the possession and/or control of Mr. Schaefer.

REQUEST FOR PRODUCTION NO. 5:

Produce all communications relating to or referencing or mentioning the Cheat Software.

RESPONSE:

No such documents are in the possession and/or control of Mr. Schaefer.

REQUEST FOR PRODUCTION NO. 6:

Produce all communications relating to or referencing or mentioning Bungie.

1 **RESPONSE:**

2 No such documents are in the possession and/or control of Mr. Schaefer.

3 **REQUEST FOR PRODUCTION NO. 7:**

4 Produce all communications referencing or mentioning the Action.

5 **RESPONSE:**

6 No such documents are in the possession and/or control of Mr. Schaefer.

7 **REQUEST FOR PRODUCTION NO. 8:**

8 Produce all communications relating to the creation, development, modification,
9 updating, and/or patching of the Cheat Software.

10 **RESPONSE:**

11 No such documents are in the possession and/or control of Mr. Schaefer.

12 **REQUEST FOR PRODUCTION NO. 9:**

13 Produce all documents and communications sent to or from, or referring or relating to
14 Andreas Banek.

15 **RESPONSE:**

16 No such documents are in the possession and/or control of Mr. Schaefer.

17 **REQUEST FOR PRODUCTION NO. 10:**

18 Produce all documents and communications sent to or from, or referring or relating to
19 Jason Hahn, Alexandria Fajardo, and/or the AimJunkies.com forum account(s) named
20 “SSJason” in connection with the Cheat Software.

21 **RESPONSE:**

22 No such documents are in the possession and/or control of Mr. Schaefer.

23 **REQUEST FOR PRODUCTION NO. 11:**

24 Produce all documents and communications regarding any of your efforts to recruit,
25 hire, contract with, retain, and/or compensate any person(s) for the creation, development,
26 modification, updating, and/or patching of the Cheat Software.

1 **RESPONSE:**

2 No such documents are in the possession and/or control of Mr. Schaefer.

3 **REQUEST FOR PRODUCTION NO. 12:**

4 Produce all documents and communications referring or relating to your decision to
5 offer the Cheat Software for sale and/or distribute the Cheat Software on AimJunkies.com,
6 including documentation concerning advertisements of the Cheat Software, and particularly
7 advertisements referencing Destiny 2.

8 **RESPONSE:**

9 No such documents are in the possession and/or control of Mr. Schaefer.

10 **REQUEST FOR PRODUCTION NO. 13:**

11 Produce all documents and communications related to the “third party developers” of
12 the Cheat Software described in paragraph 5 of your declaration in Opposition to Plaintiff’s
13 Motion for Preliminary Injunction (Dkt. No. 39-1).

14 **RESPONSE:**

15 No such documents are in the possession and/or control of Mr. Schaefer.

16 **REQUEST FOR PRODUCTION NO. 14:**

17 Produce documents sufficient to identify the name(s) of any account(s) on the
18 AimJunkies.com forums that you, Lisa Holliday, or any other member of your family have
19 used and/or controlled.

20 **RESPONSE:**

21 Mr. Schaefer is unable to respond to this request in that he does not have possession or
22 control of documents relating to non-party Lisa Holliday.

23 **REQUEST FOR PRODUCTION NO. 15:**

24 Produce documents sufficient to show any distributions or other payments made by
25 Phoenix Digital to you, Lisa Holliday, and/or any other member of your family, including but
26 not limited to documents sufficient to show the date of the payment, the accounts from which
27 the payment was sent and to which it was received, and the purpose of the payment.
28

1 **RESPONSE:**

2 Mr. Schaefer is unable to respond to this request in that he does not have possession or
3 control of documents relating to non-party Lisa Holliday.

4 **REQUEST FOR PRODUCTION NO. 16:**

5 Produce all communications with James May relating to AimJunkies.com, the Cheat
6 Software, Bungie or its games including Destiny 2, or this Action.

7 **RESPONSE:**

8 No such documents are in the possession and/or control of Mr. Schaefer.

9 **REQUEST FOR PRODUCTION NO. 17:**

10 Produce all communications with Jordan Green relating to AimJunkies.com, the Cheat
11 Software, Bungie or its games including Destiny 2, or this Action.

12 **RESPONSE:**

13 No such documents are in the possession and/or control of Mr. Schaefer.

14 **REQUEST FOR PRODUCTION NO. 18:**

15 Produce all communications with Jeffrey Conway relating to AimJunkies.com, the
16 Cheat Software, Bungie or its games including Destiny 2, or this Action.

17 **RESPONSE:**

18 No such documents are in the possession and/or control of Mr. Schaefer.

19 **REQUEST FOR PRODUCTION NO. 19:**

20 Produce all communications with Defendants and/or Warren Apenzeller relating to,
21 Bungie, the Cheat Software and/or the Action.

22 **RESPONSE:**

23 No such documents are in the possession and/or control of Mr. Schaefer.

24 **REQUEST FOR PRODUCTION NO. 20:**

25 Produce documents sufficient to identify any Bungie and/or Destiny 2 account(s)
26 created and/or controlled by you.

1 **RESPONSE:**

2 No such documents are in the possession and/or control of Mr. Schaefer. Answering
3 further, Mr. Schaefer states he never had any “Bungie and/or Destiny 2 account(s).

4 **REQUEST FOR PRODUCTION NO. 21:**

5 Produce documents sufficient to identify any Steam, Xbox Live, and/or PlayStation
6 Plus account(s) created and/or controlled by you.

7 **RESPONSE:**

8 No such documents are in the possession and/or control of Mr. Schaefer.

9 **REQUEST FOR PRODUCTION NO. 22:**

10 Produce documents sufficient to identify each video game cheat ever made by you or
11 provided by you to others.

12 **RESPONSE:**

13 Mr. Schaefer objects to this request as being unduly burdensome, irrelevant and not
14 proportional to the needs of this action. Answering further, no such documents are in the
15 possession and/or control of Mr. Schaefer.

16 **REQUEST FOR PRODUCTION NO. 23:**

17 Produce all documents and communications relating to the sale of AimJunkies.com to
18 any person or entity, including but not limited to Blome Entertainment.

19 **RESPONSE:**

20 Documents responsive to this request have already been produced by Phoenix Digital.
21 Answering further, no additional documents responsive to this request are in the possession
22 and/or control of Mr. Schaefer.

23 **REQUEST FOR PRODUCTION NO. 24:**

24 Produce all documents and communications relating to the press release issued on or
25 about May 23, 2022, concerning the purported sale of AimJunkies.com to Blome
26 Entertainment, including but not limited documents and communications related to the
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1 creation and drafting of the press release, and documents and communications relating to and
 2 sufficient to identify Andreas Banek and Warren Apenzeller.

3 **RESPONSE:**

4 No such documents are in the possession and/or control of Mr. Schaefer. Answering
 5 further, no press release concerning a “purported” sale of AimJunkies.com to Blome
 6 Entertainment,” was ever “issued.”

7 **REQUEST FOR PRODUCTION NO. 25:**

8 Produce all documents related to payment or funds you received in connection with
 9 the sale of the Cheat Software, including but not limited to documents showing such receipt
 10 for any bank accounts, financial accounts, payment processor accounts, or any other source(s)
 11 of funds or accounts owned by you that are or have been used to process such payments or
 12 funds.

13 **RESPONSE:**

14 Documents responsive to this request have already been produced by Phoenix Digital
 15 and or the recipients of Bungie’s subpoenas. Answering further, no additional documents
 16 responsive to this request are in the possession and/or control of Mr. Schaefer.

17 Dated October 10, 2022.

18 /s/ Philip P. Mann

19 Philip P. Mann, WSBA No: 28860

20 **Mann Law Group PLLC**

21 403 Madison Ave. N. Ste. 240

22 Bainbridge Island, Washington 98110

23 Phone (206) 436-0900

24 phil@mannlawgroup.com

25 Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2022, I caused the foregoing document to be electronically mailed to counsel of record as follows:

WRava@perkinscoie.com

JDini@perkinscoie.com

CMarcelo@perkinscoie.com

s/ Philip P. Mann

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC., a Delaware corporation,

Plaintiff

v.

AIMJUNKIES.COM, a business of unknown
classification; PHOENIX DIGITAL GROUP
LLC, an Arizona limited liability company;
JEFFREY CONWAY, an individual; DAVID
SCHAEFER, an individual; JORDAN GREEN,
an individual; and JAMES MAY, an individual,
Defendants.

Cause No. 2:21-cv-0811 TSZ

**DEFENDANT JORDAN
GREEN'S RESPONSE TO
PLAINTIFF'S FIRST
INTERROGATORY NO. 1**

Pursuant to Federal Rule of Civil Procedure 26, 33 AND 34, Defendant Jordan Green ("Mr. Green") hereby responds to Plaintiff Bungie, Inc.'s First Interrogatory No. 1 as follows:

GENERAL OBJECTIONS

Jordan Green makes the following objections to Plaintiff's First Set of Requests For Production of Documents:

1. To the extent Plaintiff's definitions and instructions are inconsistent with the appropriate Federal Rules of Civil Procedure, such as Fed. R. Civ. P. 26 and 34, Mr. Green will rely upon the Federal Rules of Civil Procedure, the Local Rules and governing case law with respect to the subject definitions and instructions and responses.

1 2. Where an interrogatory includes words or concepts indicative of a legal
2 conclusion, Mr. Green does not represent or concede that such legal conclusions or concepts
3 apply.

4 3. In those instances where the responses to Plaintiff's interrogatories can be
5 derived from the records of Mr. Green or from an examination, audit or inspection of such
6 records, and the burden of deriving or ascertaining the response is substantially the same for
7 Plaintiff and Mr. Green, Mr. Green will specify the records from which a complete response
8 may be ascertained and afford Plaintiff's counsel a reasonable opportunity to audit, inspect
9 and copy such records or provide categorized copies of such records in accordance with
10 Federal Rules of Civil Procedure 33(c).

11 4. The absence of Mr. Green's standing on objections should not be construed as
12 agreement that particular documents exist or will be produced. (Colloquially: "The absence
13 of 'no' does not mean 'yes.'").

14 5. Certain categories are premature since they request Mr. Green to produce
15 documents it does not necessarily have right now, but may or will have in the future (e.g.,
16 documents on which Mr. Green will rely for particular issues, exhibits Mr. Green will use,
17 witnesses and witness lists, documents relating to damages, etc.). Mr. Green will comply with
18 such requests through seasonal supplementation of its document production or through
19 reliance on documents produced by others.

20 6. To the extent any interrogatory calls for documents or things that are governed
21 by contractual confidentiality provisions against disclosure, Mr. Green objects to providing
22 any such documents or things in any manner that would contravene Mr. Green's obligations
23 absent a Court order.

RESPONSE TO INTERROGATORY**INTERROGATORY NO. 1:**

Identify all methods and modes of communication you use or have used to communicate regarding Destiny 2, the Cheat Software or this Action including but not limited to by providing for all such communications, all e-mail addresses used, user handles or aliases on social media or other platforms used, account or server names or identifiers for any instant/direct messaging platforms (e.g., Whatsapp, Slack, Telegram, Teamspeak) used, text messaging services or phone numbers, and/or any other form of communication.

RESPONSE:

The answer to this Interrogatory may be ascertained by reference to documents and records available to Bungie and, in particular, the documents produced by Phoenix Digital in this matter as well as those produced by the recipients of Bungie's subpoenas in this matter, as well as social media accounts accessible to Bungie.

Dated October 10, 2022.

/s/ Philip P. Mann

Philip P. Mann, WSBA No: 28860

Mann Law Group PLLC

403 Madison Ave. N. Ste. 240

Bainbridge Island, Washington 98110

Phone (206) 436-0900

phil@mannlawgroup.com

Attorneys for Defendants

Verification

AS TO RESPONSES TO INTERROGATORIES:

Jordan Green, being duly sworn, deposes and says that he is the President of Phoenix Digital Group LLC, Defendant in the above-captioned action, that he has read the foregoing responses by him subscribed, that said responses were prepared with the assistance of counsel upon which he has relied and is based on his experiences and knowledge, and that subject to said limitations, the responses are true, correct and complete to the best of his information and belief.

DATED this 10th day of October, 2022.

Jordan Green

AS TO OBJECTIONS:

/s/ Philip P. Mann
Philip P. Mann

CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2022, I caused the foregoing document to be electronically mailed to counsel of record as follows:

WRava@perkinscoie.com

JDini@perkinscoie.com

CMarcelo@perkinscoie.com

s/ Philip P. Mann

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC., a Delaware corporation,

Plaintiff

v.

AIMJUNKIES.COM, a business of unknown
classification; PHOENIX DIGITAL GROUP
LLC, an Arizona limited liability company;
JEFFREY CONWAY, an individual; DAVID
SCHAEFER, an individual; JORDAN GREEN,
an individual; and JAMES MAY, an individual,
Defendants.

Cause No. 2:21-cv-0811 TSZ

**DEFENDANT JORDAN
GREEN'S RESPONSES TO
PLAINTIFF'S FIRST SET OF
REQUESTS FOR
PRODUCTION NOS. 1-20**

Pursuant to Federal Rule of Civil Procedure 26, 33 AND 34, Defendant Jordan Green ("Mr. Green") hereby responds to Plaintiff Bungie, Inc.'s First Set of Requests for Production as follows:

GENERAL OBJECTIONS

Jordan Green makes the following objections to Plaintiff's Second First Set of Requests For Production of Documents:

1. To the extent Plaintiff's definitions and instructions are inconsistent with the appropriate Federal Rules of Civil Procedure, such as Fed. R. Civ. P. 26 and 34, Mr. Green will rely upon the Federal Rules of Civil Procedure, the Local Rules and governing case law with respect to the subject definitions and instructions and responses.

1 2. Where a request includes words or concepts indicative of a legal conclusion,
2 Mr. Green does not represent or concede that such legal conclusions or concepts apply.

3 3. In those instances where the responses to Plaintiff's document requests can be
4 derived from the records of Mr. Green or from an examination, audit or inspection of such
5 records, and the burden of deriving or ascertaining the response is substantially the same for
6 Plaintiff and Mr. Green, Mr. Green will specify the records from which a complete response
7 may be ascertained and afford Plaintiff's counsel a reasonable opportunity to audit, inspect
8 and copy such records or provide categorized copies of such records in accordance with
9 Federal Rules of Civil Procedure 33(c).

10 4. The absence of Mr. Green's standing on objections should not be construed as
11 agreement that particular documents exist or will be produced. (Colloquially: "The absence
12 of 'no' does not mean 'yes.'").

13 5. Certain categories are premature since they request Mr. Green to produce
14 documents it does not necessarily have right now, but may or will have in the future (e.g.,
15 documents on which Mr. Green will rely for particular issues, exhibits Mr. Green will use,
16 witnesses and witness lists, documents relating to damages, etc.). Mr. Green will comply with
17 such requests through seasonal supplementation of its document production or through
18 reliance on documents produced by others.

19 6. To the extent any document request calls for documents or things that are
20 governed by contractual confidentiality provisions against disclosure, Mr. Green objects to
21 providing any such documents or things in any manner that would contravene Mr. Green's
22 obligations absent a Court order.

RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Produce copies of all versions, including the most recent version, of the Cheat Software, including but not limited to the source code and object code for the Cheat Software.

RESPONSE:

No such documents are in the possession and/or control of Mr. Green.

REQUEST FOR PRODUCTION NO. 2:

Produce all documents referring or relating to the Cheat Software.

RESPONSE:

No such documents are in the possession and/or control of Mr. Green.

REQUEST FOR PRODUCTION NO. 3:

Produce all documents referring or relating to Destiny 2.

RESPONSE:

No such documents are in the possession and/or control of Mr. Green.

REQUEST FOR PRODUCTION NO. 4:

Produce all communications relating to or referencing or mentioning Destiny 2.

RESPONSE:

No such documents are in the possession and/or control of Mr. Green.

REQUEST FOR PRODUCTION NO. 5:

Produce all communications relating to or referencing or mentioning the Cheat Software.

RESPONSE:

No such documents are in the possession and/or control of Mr. Green.

REQUEST FOR PRODUCTION NO. 6:

Produce all communications relating to or referencing or mentioning Bungie.

1 **RESPONSE:**

2 No such documents are in the possession and/or control of Mr. Green.

3 **REQUEST FOR PRODUCTION NO. 7:**

4 Produce all communications referencing or mentioning the Action.

5 **RESPONSE:**

6 No such documents are in the possession and/or control of Mr. Green.

7 **REQUEST FOR PRODUCTION NO. 8:**

8 Produce all communications relating to the creation, development, modification,
9 updating, and/or patching of the Cheat Software.

10 **RESPONSE:**

11 No such documents are in the possession and/or control of Mr. Green.

12 **REQUEST FOR PRODUCTION NO. 9:**

13 Produce all documents and communications sent to or from, or referring or relating to
14 Andreas Banek.

15 **RESPONSE:**

16 No such documents are in the possession and/or control of Mr. Green.

17 **REQUEST FOR PRODUCTION NO. 10:**

18 Produce all documents and communications sent to or from, or referring or relating to
19 Jason Hahn, Alexandria Fajardo, and/or the AimJunkies.com forum account(s) named
20 “SSJason” in connection with the Cheat Software.

21 **RESPONSE:**

22 No such documents are in the possession and/or control of Mr. Green.

23 **REQUEST FOR PRODUCTION NO. 11:**

24 Produce all documents and communications regarding any of your efforts to recruit,
25 hire, contract with, retain, and/or compensate any person(s) for the creation, development,
26 modification, updating, and/or patching of the Cheat Software.

1 **RESPONSE:**

2 No such documents are in the possession and/or control of Mr. Green.

3 **REQUEST FOR PRODUCTION NO. 12:**

4 Produce documents sufficient to identify the name(s) of any account(s) on the
5 AimJunkies.com forums that you have used and/or controlled.

6 **RESPONSE:**

7 No such documents are in the possession and/or control of Mr. Green.

8 **REQUEST FOR PRODUCTION NO. 13:**

9 Produce documents sufficient to show any distributions or other payments made by
10 Phoenix Digital to you, including but not limited to documents sufficient to show the date of
11 the payment, the accounts from which the payment was sent and to which it was received, and
12 the purpose of the payment.

13 **RESPONSE:**

14 No such documents are in the possession and/or control of Mr. Green.

15 **REQUEST FOR PRODUCTION NO. 14:**

16 Produce all communications with James May.

17 **RESPONSE:**

18 No such documents are in the possession and/or control of Mr. Green.

19 **REQUEST FOR PRODUCTION NO. 15:**

20 Produce all communications with Defendants and/or Warren Apenzeller relating to the
21 Cheat Software and/or the Action.

22 **RESPONSE:**

23 No such documents are in the possession and/or control of Mr. Green.

24 **REQUEST FOR PRODUCTION NO. 16:**

25 Produce documents sufficient to identify any Bungie and/or Destiny 2 account(s)
26 created and/or controlled by you.
27
28

1 **RESPONSE:**

2 No such documents are in the possession and/or control of Mr. Green.

3 **REQUEST FOR PRODUCTION NO. 17:**

4 Produce documents sufficient to identify any Steam, Xbox Live, and/or PlayStation
5 Plus account(s) created and/or controlled by you.

6 **RESPONSE:**

7 Phoenix Digital will produce relevant, non-privileged documents if, and to the extent,
8 any exist. At present, no such documents are in the possession and/or control of Phoenix
9 Digital.

10 **REQUEST FOR PRODUCTION NO. 18:**

11 Produce all documents and communications relating to the sale of AimJunkies.com to
12 any person or entity, including but not limited to Blome Entertainment.

13 **RESPONSE:**

14 No such documents are in the possession and/or control of Mr. Green.

15 **REQUEST FOR PRODUCTION NO. 19:**

16 Produce all documents and communications relating to the press release issued on or
17 about May 23, 2022, concerning the purported sale of AimJunkies.com to Blome
18 Entertainment, including but not limited documents and communications related to the
19 creation and drafting of the press release, and documents and communications relating to and
20 sufficient to identify Andreas Banek and Warren Apenzeller.

21 **RESPONSE:**

22 No such documents are in the possession and/or control of Mr. Green.

23 **REQUEST FOR PRODUCTION NO. 20:**

24 Produce all documents related to any bank accounts, financial accounts, payment
25 processor accounts, or any other source(s) of funds or accounts owned by you that are or have
26 been used to process and or store funds related to the sale of the Cheat Software, including but
27
28

1 not limited to the Cascade Vinyls PayPal account (Account Number:
2 1882464584753572728).

3 **RESPONSE:**

4 No such documents are in the possession and/or control of Mr. Green.

5 Dated October 10, 2022.

6 /s/ Philip P. Mann

7 Philip P. Mann, WSBA No: 28860

8 **Mann Law Group PLLC**

9 403 Madison Ave. N. Ste. 240

10 Bainbridge Island, Washington 98110

11 Phone (206) 436-0900

12 phil@mannlawgroup.com

13 Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2022, I caused the foregoing document to be electronically mailed to counsel of record as follows:

WRava@perkinscoie.com

JDini@perkinscoie.com

CMarcelo@perkinscoie.com

s/ Philip P. Mann

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC., a Delaware corporation,

Plaintiff

v.

AIMJUNKIES.COM, a business of unknown
classification; PHOENIX DIGITAL GROUP
LLC, an Arizona limited liability company;
JEFFREY CONWAY, an individual; DAVID
SCHAEFER, an individual; JORDAN GREEN,
an individual; and JAMES MAY, an individual,

Defendants.

Cause No. 2:21-cv-0811 TSZ

**DEFENDANT JAMES MAY'S
RESPONSES TO PLAINTIFF'S
FIRST SET OF
INTERROGATORIES NOS. 1-
5**

Pursuant to Federal Rule of Civil Procedure 26, 33 AND 34, Defendant James May ("Mr. May") hereby responds to Plaintiff Bungie, Inc.'s First Set of Interrogatories Nos. 1-3 as follows:

GENERAL OBJECTIONS

James May makes the following objections to Plaintiff's First Set of Requests For Production of Documents:

1. To the extent Plaintiff's definitions and instructions are inconsistent with the appropriate Federal Rules of Civil Procedure, such as Fed. R. Civ. P. 26 and 34, Mr. May will rely upon the Federal Rules of Civil Procedure, the Local Rules and governing case law with respect to the subject definitions and instructions and responses.

1 2. Where an interrogatory includes words or concepts indicative of a legal
2 conclusion, Mr. May does not represent or concede that such legal conclusions or concepts
3 apply.

4 3. In those instances where the responses to Plaintiff's interrogatories can be
5 derived from the records of Mr. May or from an examination, audit or inspection of such
6 records, and the burden of deriving or ascertaining the response is substantially the same for
7 Plaintiff and Mr. May, Mr. May will specify the records from which a complete response may
8 be ascertained and afford Plaintiff's counsel a reasonable opportunity to audit, inspect and
9 copy such records or provide categorized copies of such records in accordance with Federal
10 Rules of Civil Procedure 33(c).

11 4. The absence of Mr. May's standing on objections should not be construed as
12 agreement that particular documents exist or will be produced. (Colloquially: "The absence
13 of 'no' does not mean 'yes.'").

14 5. Certain categories are premature since they request Mr. May to produce
15 documents it does not necessarily have right now, but may or will have in the future (e.g.,
16 documents on which Mr. May will rely for particular issues, exhibits Mr. May will use,
17 witnesses and witness lists, documents relating to damages, etc.). Mr. May will comply with
18 such requests through seasonal supplementation of its document production or through
19 reliance on documents produced by others.

20 6. To the extent any interrogatory calls for documents or things that are governed
21 by contractual confidentiality provisions against disclosure, Mr. May objects to providing any
22 such documents or things in any manner that would contravene Mr. May's obligations absent
23 a Court order.

RESPONSE TO INTERROGATORY**INTERROGATORY NO. 1:**

Describe all facts relating to your knowledge of the Cheat Software, including but not limited to the date on which you first learned of it, with whom you communicated with about the Cheat Software, and when you first acquired the Cheat Software.

RESPONSE:

Mr. May cannot understand this Interrogatory in that, “with whom you communicated with about” is ungrammatical and not understandable. Subject to the foregoing, Mr. May answers: In or about October 2019; no one; in or about October 2019.

INTERROGATORY NO. 2:

Describe all facts relating to your relationship with Phoenix Digital and the Cheat Software.

RESPONSE:

Independent contractor.

INTERROGATORY NO. 3:

Describe all facts relating to your activities on Bungie’s servers between October 3, 2019 and May 13, 2021, described in paragraph 74 of the Amended Complaint (Dkt. No. 34) in this Action.

RESPONSE:

Played “Destiny 2” on various dates within that time frame. Any additional answer to this Interrogatory may be ascertained by reference to documents presently in the custody and control of Bungie, specifically server log records that are believed to be maintained by Bungie, as well as records improperly accessed and downloaded from Mr. May’s personal computers.

INTERROGATORY NO. 4:

Identify all payments made by Defendants to you, including the date of each payment, the amount of each payment, and the purpose of each payment.

RESPONSE:

Payments made at various times for services rendered to Bungie as an independent contractor. Purpose was compensation for work as independent contractor. No compensation was received for Destiny 2.

INTERROGATORY NO. 5:

Identify all methods and modes of communication you use or have used to communicate regarding Destiny 2, the Cheat Software or this Action including but not limited to by providing for all such communications, all e-mail addresses used, user handles or aliases on social media or other platforms used, account or server names or identifiers for any instant/direct messaging platforms (e.g., Whatsapp, Slack, Telegram, Teamspeak) used, text messaging services or phone numbers, and/or any other form of communication.

RESPONSE:

The answer to this Interrogatory may be ascertained by reference to documents and records available to Bungie and, in particular, the documents produced by Phoenix Digital in this matter as well as those produced by the recipients of Bungie's subpoenas in this matter, as well as social media accounts accessible to Bungie.

Dated October 10, 2022.

/s/ Philip P. Mann

Philip P. Mann, WSBA No: 28860

Mann Law Group PLLC

403 Madison Ave. N. Ste. 240

Bainbridge Island, Washington 98110

Phone (206) 436-0900

phil@mannlawgroup.com

Attorneys for Defendants

Verification

AS TO RESPONSES TO INTERROGATORIES:

James May, being duly sworn, deposes and says that he is the President of Phoenix Digital Group LLC, Defendant in the above-captioned action, that he has read the foregoing responses by him subscribed, that said responses were prepared with the assistance of counsel upon which he has relied and is based on his experiences and knowledge, and that subject to said limitations, the responses are true, correct and complete to the best of his information and belief.

DATED this 10th day of October, 2022.

James May

AS TO OBJECTIONS:

/s/ Philip P. Mann
Philip P. Mann

CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2022, I caused the foregoing document to be electronically mailed to counsel of record as follows:

WRava@perkinscoie.com

JDini@perkinscoie.com

CMarcelo@perkinscoie.com

s/ Philip P. Mann

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC., a Delaware corporation,

Plaintiff

v.

AIMJUNKIES.COM, a business of unknown
classification; PHOENIX DIGITAL GROUP
LLC, an Arizona limited liability company;
JEFFREY CONWAY, an individual; DAVID
SCHAEFER, an individual; JORDAN GREEN,
an individual; and JAMES MAY, an individual,

Defendants.

Cause No. 2:21-cv-0811 TSZ

**DEFENDANT JAMES MAY'S
RESPONSES TO PLAINTIFF'S
FIRST SET OF REQUESTS
FOR PRODUCTION NOS. 1-24**

Pursuant to Federal Rule of Civil Procedure 26, 33 AND 34, Defendant James May ("Mr. May") hereby responds to Plaintiff Bungie, Inc.'s First Set of Requests for Production as follows:

GENERAL OBJECTIONS

James May makes the following objections to Plaintiff's Second First Set of Requests For Production of Documents:

1. To the extent Plaintiff's definitions and instructions are inconsistent with the appropriate Federal Rules of Civil Procedure, such as Fed. R. Civ. P. 26 and 34, Mr. May will rely upon the Federal Rules of Civil Procedure, the Local Rules and governing case law with respect to the subject definitions and instructions and responses.

1 2. Where a request includes words or concepts indicative of a legal conclusion,
2 Mr. May does not represent or concede that such legal conclusions or concepts apply.

3 3. In those instances where the responses to Plaintiff's document requests can be
4 derived from the records of Mr. May or from an examination, audit or inspection of such
5 records, and the burden of deriving or ascertaining the response is substantially the same for
6 Plaintiff and Mr. May, Mr. May will specify the records from which a complete response may
7 be ascertained and afford Plaintiff's counsel a reasonable opportunity to audit, inspect and
8 copy such records or provide categorized copies of such records in accordance with Federal
9 Rules of Civil Procedure 33(c).

10 4. The absence of Mr. May's standing on objections should not be construed as
11 agreement that particular documents exist or will be produced. (Colloquially: "The absence
12 of 'no' does not mean 'yes.'").

13 5. Certain categories are premature since they request Mr. May to produce
14 documents it does not necessarily have right now, but may or will have in the future (e.g.,
15 documents on which Mr. May will rely for particular issues, exhibits Mr. May will use,
16 witnesses and witness lists, documents relating to damages, etc.). Mr. May will comply with
17 such requests through seasonal supplementation of its document production or through
18 reliance on documents produced by others.

19 6. To the extent any document request calls for documents or things that are
20 governed by contractual confidentiality provisions against disclosure, Mr. May objects to
21 providing any such documents or things in any manner that would contravene Mr. May's
22 obligations absent a Court order.

RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Produce copies of all versions, including the most recent version, of the Cheat Software, including but not limited to the source code and object code for the Cheat Software.

RESPONSE:

No such documents are in the possession and/or control of Mr. May.

REQUEST FOR PRODUCTION NO. 2:

Produce all documents referring or relating to the Cheat Software.

RESPONSE:

No such documents are in the possession and/or control of Mr. May.

REQUEST FOR PRODUCTION NO. 3:

Produce all documents referring or relating to Destiny 2.

RESPONSE:

No such documents are in the possession and/or control of Mr. May.

REQUEST FOR PRODUCTION NO. 4:

Produce all communications relating to or referencing or mentioning Destiny 2.

RESPONSE:

No such documents are in the possession and/or control of Mr. May.

REQUEST FOR PRODUCTION NO. 5:

Produce all communications relating to or referencing or mentioning the Cheat Software.

RESPONSE:

No such documents are in the possession and/or control of Mr. May.

REQUEST FOR PRODUCTION NO. 6:

Produce all communications relating to or referencing or mentioning Bungie.

1 **RESPONSE:**

2 No such documents are in the possession and/or control of Mr. May.

3 **REQUEST FOR PRODUCTION NO. 7:**

4 Produce all communications referencing or mentioning the Action.

5 **RESPONSE:**

6 No such documents are in the possession and/or control of Mr. May.

7 **REQUEST FOR PRODUCTION NO. 8:**

8 Produce all communications relating to the creation, development, modification,
9 updating, and/or patching of the Cheat Software.

10 **RESPONSE:**

11 No such documents are in the possession and/or control of Mr. May.

12 **REQUEST FOR PRODUCTION NO. 9:**

13 Produce all documents and communications sent to or from, or referring or relating to
14 Andreas Banek.

15 **RESPONSE:**

16 No such documents are in the possession and/or control of Mr. May.

17 **REQUEST FOR PRODUCTION NO. 10:**

18 Produce all documents and communications sent to or from, or referring or relating to
19 Jason Hahn, Alexandria Fajardo, and/or the AimJunkies.com forum account(s) named
20 “SSJason” in connection with the Cheat Software.

21 **RESPONSE:**

22 No such documents are in the possession and/or control of Mr. May.

23 **REQUEST FOR PRODUCTION NO. 11:**

24 Produce all documents and communications regarding any of your efforts to recruit,
25 hire, contract with, retain, and/or compensate any person(s) for the creation, development,
26 modification, updating, and/or patching of the Cheat Software.

1 **RESPONSE:**

2 No such documents are in the possession and/or control of Mr. May.

3 **REQUEST FOR PRODUCTION NO. 12:**

4 Produce documents sufficient to identify the name(s) of any account(s) on the
5 AimJunkies.com forums that you have used and/or controlled.

6 **RESPONSE:**

7 No such documents are in the possession and/or control of Mr. May.

8 **REQUEST FOR PRODUCTION NO. 13:**

9 Produce documents sufficient to show any distributions or other payments made by
10 Phoenix Digital to you, including but not limited to documents sufficient to show the date of
11 the payment, the accounts from which the payment was sent and to which it was received, and
12 the purpose of the payment.

13 **RESPONSE:**

14 Mr. May objects to this request to the extent it apparently seeks “any distribution or
15 other payments” that are unrelated to the “Cheat Software” at issue here and, therefore,
16 requests private financial information unrelated to any issue in this matter.

17 **REQUEST FOR PRODUCTION NO. 14:**

18 Produce all communications with Defendants and/or Warren Apenzeller relating to the
19 Cheat Software or the Action.

20 **RESPONSE:**

21 No such documents are in the possession and/or control of Mr. May.

22 **REQUEST FOR PRODUCTION NO. 15:**

23 Produce documents sufficient to identify any Bungie and/or Destiny 2 account(s) that
24 have ever been controlled by you at any time, including any and all accounts ever controlled
25 by you that you created or otherwise, and including any communications between you and
26 another creator or controller of any such account.

1 **RESPONSE:**

2 No such documents are in the possession and/or control of Mr. May.

3 **REQUEST FOR PRODUCTION NO. 16:**

4 Produce all documents and communications referring or relating to your activities on
5 Bungie's servers between October 3, 2019 and May 13, 2021, described in paragraph 74 of
6 the Amended Complaint (Dkt. No. 34) in this Action.

7 **RESPONSE:**

8 No such documents are in the possession and/or control of Mr. May.

9 **REQUEST FOR PRODUCTION NO. 17:**

10 Produce documents sufficient to identify any Steam, Xbox Live, and/or PlayStation
11 Plus account(s) created and/or controlled by you.

12 **RESPONSE:**

13 No such documents are in the possession and/or control of Mr. May.

14 **REQUEST FOR PRODUCTION NO. 18:**

15 Produce all documents and communications relating to the sale of AimJunkies.com to
16 any person or entity, including but not limited to Blome Entertainment.

17 **RESPONSE:**

18 No such documents are in the possession and/or control of Mr. May.

19 **REQUEST FOR PRODUCTION NO. 19:**

20 Produce all documents and communications relating to the press release issued on or
21 about May 23, 2022, concerning the purported sale of AimJunkies.com to Blome
22 Entertainment, including but not limited documents and communications related to the
23 creation and drafting of the press release, and documents and communications relating to and
24 sufficient to identify Andreas Banek and Warren Apenzeller.

1 **RESPONSE:**

2 No such documents are in the possession and/or control of Mr. May. Answering
3 further, no press release concerning a “purported” sale of AimJunkies.com to Blome
4 Entertainment,” was ever “issued.”

5 **REQUEST FOR PRODUCTION NO. 20:**

6 Produce all documents related to any formal or informal contract or agreement
7 between Phoenix Digital and you related to Destiny 2 and/or the Cheat Software.

8 **RESPONSE:**

9 No such documents are in the possession and/or control of Mr. May.

10
11 **REQUEST FOR PRODUCTION NO. 21:**

12 Produce all documents and communications related to your creation, development,
13 testing, updating, patching, acquisition, or any other use of the Cheat Software.

14 **RESPONSE:**

15 No such documents are in the possession and/or control of Mr. May. Answering
16 further, Mr. May did not create, develop, test, update, patch, acquire or make use of the Cheat
17 Software at issue here.

18
19 **REQUEST FOR PRODUCTION NO. 22:**

20 Produce all documents and communications related to any work performed by you on
21 behalf of or at the request of Phoenix Digital related to the Cheat Software.

22 **RESPONSE:**

23 No such documents are in the possession and/or control of Mr. May. Answering
24 further, Mr. May did not perform any work on behalf of or at the request of Phoenix Digital
25 related to the Cheat Software at issue here.

REQUEST FOR PRODUCTION NO. 23:

Produce all documents and communications related to your sale of any video game cheat software on AimJunkies.com, mombotcheats.com, and/or virtual-advantage.com.

RESPONSE:

No such documents are in the possession and/or control of Mr. May.

REQUEST FOR PRODUCTION NO. 24:

Produce all documents related to any bank accounts, financial accounts, payment processor accounts, or any other source(s) of funds or accounts owned by you that are or have been used to process and or store funds related to the sale of the Cheat Software.

RESPONSE:

No such documents are in the possession and/or control of Mr. May.

Dated October 10, 2022.

/s/ Philip P. Mann

Philip P. Mann, WSBA No: 28860

Mann Law Group PLLC

403 Madison Ave. N. Ste. 240

Bainbridge Island, Washington 98110

Phone (206) 436-0900

phil@mannlawgroup.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2022, I caused the foregoing document to be electronically mailed to counsel of record as follows:

WRava@perkinscoie.com

JDini@perkinscoie.com

CMarcelo@perkinscoie.com

s/ Philip P. Mann

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC., a Delaware corporation,

Plaintiff

v.

AIMJUNKIES.COM, a business of unknown
classification; PHOENIX DIGITAL GROUP
LLC, an Arizona limited liability company;
JEFFREY CONWAY, an individual; DAVID
SCHAEFER, an individual; JORDAN GREEN,
an individual; and JAMES MAY, an individual,
Defendants.

Cause No. 2:21-cv-0811 TSZ

**DEFENDANT PHOENIX
DIGITAL GROUP LLC'S
RESPONSES TO PLAINTIFF'S
FIRST SET OF
INTERROGATORIES NOS. 1-
7**

Pursuant to Federal Rule of Civil Procedure 26, 33 AND 34, Defendant Phoenix
Digital Group LLC ("Phoenix Digital") hereby responds to Plaintiff Bungie, Inc.'s First Set of
Interrogatories Nos. 1-7 as follows:

GENERAL OBJECTIONS

Phoenix Digital makes the following objections to Plaintiff's First Set of Requests For
Production of Documents:

1. To the extent Plaintiff's definitions and instructions are inconsistent with the
appropriate Federal Rules of Civil Procedure, such as Fed. R. Civ. P. 26 and 34, Phoenix
Digital will rely upon the Federal Rules of Civil Procedure, the Local Rules and governing
case law with respect to the subject definitions and instructions and responses.

2. Where a request includes words or concepts indicative of a legal conclusion, Phoenix Digital does not represent or concede that such legal conclusions or concepts apply.

3. In those instances where the responses to Plaintiff's document requests can be derived from the records of Phoenix Digital or from an examination, audit or inspection of such records, and the burden of deriving or ascertaining the response is substantially the same for Plaintiff and Phoenix Digital, Phoenix Digital will specify the records from which a complete response may be ascertained and afford Plaintiff's counsel a reasonable opportunity to audit, inspect and copy such records or provide categorized copies of such records in accordance with Federal Rules of Civil Procedure 33(c).

4. The absence of Phoenix Digital's standing on objections should not be construed as agreement that particular documents exist or will be produced. (Colloquially: "The absence of 'no' does not mean 'yes.'").

5. Certain categories are premature since they request Phoenix Digital to produce documents it does not necessarily have right now, but may or will have in the future (e.g., documents on which Phoenix Digital will rely for particular issues, exhibits Phoenix Digital will use, witnesses and witness lists, documents relating to damages, etc.). Phoenix Digital will comply with such requests through seasonal supplementation of its document production or through reliance on documents produced by others.

6. To the extent any document request calls for documents or things that are governed by contractual confidentiality provisions against disclosure, Phoenix Digital objects to providing any such documents or things in any manner that would contravene Phoenix Digital's obligations absent a Court order.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1:

Identify all person(s) involved in the creation, development, modification, updating, and/or patching of the Cheat Software.

1 **RESPONSE:**

2 Andreas Banek; Communications through public (free channel) TeamSpeak;
3 maxsso@bk.ru.

4 **INTERROGATORY NO. 2:**

5 Describe all facts concerning Phoenix Digital's decision to create, develop, and sell
6 the Cheat Software, including but not limited to the person(s) involved in those decisions and
7 the reason Phoenix Digital decided to sell the Cheat Software.

8 **RESPONSE:**

9 Phoenix Digital does not create, develop or sell the "Cheat Software" but instead
10 distributes products created by others. Answering further, Phoenix Digital identifies David
11 Schaefer.

12 **INTERROGATORY NO. 3:**

13 Describe all facts relating to the creation, development, modification, updating, and/or
14 patching of the Cheat Software.

15 **RESPONSE:**

16 See Responses to Interrogatories Nos. 1 and 2 above. Answering further, Phoenix
17 Digital does not create, develop, modify, update and/or patch the "Cheat Software."

18
19 **INTERROGATORY NO. 4:**

20 Describe all facts relating to how each feature of the Cheat Software functions,
21 including but not limited to how the Cheat Software copies, modifies, or otherwise interacts
22 with or affects the Destiny 2 software code.

23 **RESPONSE:**

24 The "Cheat Software" at issue here does not copy, modify, interact with or otherwise
25 affect the Destiny 2 software code. Furthermore, it is believed that the answer to this
26 interrogatory can be ascertained from records and documents already in the possession of
27 Bungie.
28

INTERROGATORY NO. 5:

Identify all methods through which Phoenix Digital distributed the Cheat Software, including but not limited to whether the Cheat Software was distributed through the Overdose Package or Overdose Premium Package on the AimJunkies.com website at any time.

RESPONSE:

Distribution through the AimJunkies.com website. Distribution through the Virtual-Advantage.com website. Phoenix Digital is unaware of any distributions through Overdose Package or Overdose Premium Package.

INTERROGATORY NO. 6:

Describe all facts relating to how Phoenix Digital “allows the customer to access the third-party developer’s computer server and download the [Cheat Software] directly from the third-party developer,” as described in paragraph 5 of the Declaration of David Schaefer in Opposition to Plaintiff’s Motion for Preliminary Injunction (Dkt. No. 39-1), including but not limited information sufficient to identify and/or locate (e.g., IP address or website URL) each server where the Cheat Software is/was hosted, and how Phoenix Digital enabled the connection between the purchaser and third-party developers’ computer servers.

RESPONSE:

After accessing the AimJunkies.com website, customers wishing to obtain a product will, after placing an order, be directed and connected with the third-party developers computer server, which then downloads the product directly to the customer’s computer without passing through any Phoenix Digital computer. Furthermore, it is believed that the answer to this interrogatory can be ascertained from records and documents already in the possession of Bungie. To the extent this interrogatory requests, “information sufficient to identify and/or locate (e.g., IP address or website URL) each server where the Cheat Software is/was hosted,” Phoenix Digital objects to this Interrogatory as being irrelevant to any of the issues before the Court in this case and as calling for personal information not relevant to any issue before the Court in this matter.

INTERROGATORY NO. 7:

Identify all bank accounts, financial accounts, payment processor accounts, or any other source(s) of funds or accounts owned by Phoenix Digital that are or have been used to process and/or store funds related the sale of the Cheat Software.

RESPONSE:

Phoenix Digital objects to this Interrogatory as being irrelevant to any of the issues before the Court in this case and as calling for personal information not relevant to any issue before the Court in this matter.

Dated July 25, 2022.

/s/ Philip P. Mann

Philip P. Mann, WSBA No: 28860

Mann Law Group PLLC

403 Madison Ave. N. Ste. 240

Bainbridge Island, Washington 98110

Phone (206) 436-0900

phil@mannlawgroup.com

Attorneys for Defendants

Verification

AS TO RESPONSES TO INTERROGATORIES:

David Schaefer, being duly sworn, deposes and says that he is the President of Phoenix Digital Group LLC, Defendant in the above-captioned action, that he has read the foregoing responses by him subscribed, that said responses were prepared with the assistance of counsel upon which he has relied and is based on his experiences and knowledge, and that subject to said limitations, the responses are true, correct and complete to the best of his information and belief.

DATED this 25th day of July, 2022.

David Schaefer

AS TO OBJECTIONS:

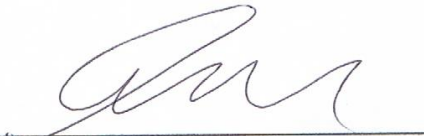
/s/ Philip P. Mann
Philip P. Mann

Verification

AS TO RESPONSES TO INTERROGATORIES:

David Schaefer, being duly sworn, deposes and says that he is the President of Phoenix Digital Group LLC, Defendant in the above-captioned action, that he has read the foregoing responses by him subscribed, that said responses were prepared with the assistance of counsel upon which he has relied and is based on his experiences and knowledge, and that subject to said limitations, the responses are true, correct and complete to the best of his information and belief.

DATED this 25th day of July, 2022.


David Schaefer

AS TO OBJECTIONS:

/s/ Philip P. Mann
Philip P. Mann

CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2022, I caused the foregoing document to be electronically mailed to counsel of record as follows:

WRava@perkinscoie.com

JDini@perkinscoie.com

CMarcelo@perkinscoie.com

s/ Philip P. Mann

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC., a Delaware corporation,

Plaintiff

v.

AIMJUNKIES.COM, a business of unknown
classification; PHOENIX DIGITAL GROUP
LLC, an Arizona limited liability company;
JEFFREY CONWAY, an individual; DAVID
SCHAEFER, an individual; JORDAN GREEN,
an individual; and JAMES MAY, an individual,

Defendants.

Cause No. 2:21-cv-0811 TSZ

**DEFENDANT PHOENIX
DIGITAL GROUP LLC'S
SUPPLEMENTAL
RESPONSES TO PLAINTIFF'S
FIRST SET OF REQUESTS
FOR PRODUCTION NOS. 1-8,
9-11, 12, 16, 17, 20, 23, 26, 27, 28
AND 30**

Pursuant to Federal Rule of Civil Procedure 26, 33 AND 34, Defendant Phoenix
Digital Group LLC ("Phoenix Digital") hereby supplements its responses to Plaintiff Bungie,
Inc.'s First Set of Requests for Production as follows:

GENERAL OBJECTIONS

Phoenix Digital's General Objections set out in its RESPONSES TO PLAINTIFF'S
FIRST SET OF REQUESTS FOR PRODUCTION NOS. 1-30 served July 25, 2022 are
incorporated as if set out fully herein.

RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1:

Produce copies of all versions, including the most recent version, of the Cheat Software, including but not limited to the source code and object code for the Cheat Software.

RESPONSE:

Phoenix Digital will produce relevant, non-privileged documents if, and to the extent, any exist. At present, no such documents are in the possession and/or control of Phoenix Digital.

SUPPLEMENTAL RESPONSE:

After a reasonably diligent search, no documents in Phoenix Digital's possession, custody or control responsive to this request have been found.

REQUEST FOR PRODUCTION NO. 2:

Produce all documents related to all persons involved in the creation, development, modification, updating, and/or patching of the Cheat Software, including but not limited to documents sufficient to identify all such persons, documents related to any formal or informal¹⁰ contract or agreement between Phoenix Digital and all such persons, and documents related to any payments made to all such persons by Phoenix Digital.

RESPONSE:

Phoenix Digital will produce relevant, non-privileged documents if, and to the extent, any exist. At present, no such documents are in the possession and/or control of Phoenix Digital.

SUPPLEMENTAL RESPONSE:

After a reasonably diligent search, no documents in Phoenix Digital's possession, custody or control responsive to this request have been found.

REQUEST FOR PRODUCTION NO. 3:

Produce all documents and communications related to any person that contacted Phoenix Digital about the Cheat Software in response to the December 2017 announcement on the AimJunkies.com website referenced in paragraph 65 of the Amended Complaint (Dkt. No. 34) (<https://forum.aimjunkies.com/f5/looking-cheat-developers-100227/>), or otherwise offered to develop and/or provide the Cheat Software to Phoenix Digital.

RESPONSE:

Phoenix Digital will produce relevant, non-privileged documents if, and to the extent, any exist. At present, no such documents are in the possession and/or control of Phoenix Digital.

SUPPLEMENTAL RESPONSE:

After a reasonably diligent search, no documents in Phoenix Digital's possession, custody or control responsive to this request have been found.

REQUEST FOR PRODUCTION NO. 4:

Produce all documents and communications related to the "third party developers" of the Cheat Software described in paragraph 5 of David Schaefer's Declaration in Opposition to Plaintiff's Motion for Preliminary Injunction (Dkt. No. 39-1).

RESPONSE:

Phoenix Digital will produce relevant, non-privileged documents if, and to the extent, any exist. At present, no such documents are in the possession and/or control of Phoenix Digital.

SUPPLEMENTAL RESPONSE:

After a reasonably diligent search, no documents in Phoenix Digital's possession, custody or control responsive to this request have been found.

REQUEST FOR PRODUCTION NO. 5:

Produce documents sufficient to identify the location of the third-party developers' computer server(s) where the Cheat Software is hosted as described in paragraph 5 of David Schaefer's Declaration in Opposition to Plaintiff's Motion for Preliminary Injunction (Dkt. No.5 39-1), including but not limited to each server's IP address, any associated domain name(s), the hosting provider of the server, and/or any other information used by Phoenix Digital to locate the servers and connect purchasers of the Cheat Software to them.

RESPONSE:

Phoenix Digital will produce relevant, non-privileged documents if, and to the extent, any exist. At present, no such documents are in the possession and/or control of Phoenix Digital.

SUPPLEMENTAL RESPONSE:

After a reasonably diligent search, no documents in Phoenix Digital's possession, custody or control responsive to this request have been found.

REQUEST FOR PRODUCTION NO. 6:

Produce all documents and communications relating to the creation, development, modification, updating, and/or patching of the Cheat Software.

RESPONSE:

Phoenix Digital will produce relevant, non-privileged documents if, and to the extent, any exist. At present, no such documents are in the possession and/or control of Phoenix Digital.

SUPPLEMENTAL RESPONSE:

After a reasonably diligent search, no documents in Phoenix Digital's possession, custody or control responsive to this request have been found.

REQUEST FOR PRODUCTION NO. 7:

Produce documents sufficient to show all downloads of the Cheat Software distributed by Phoenix Digital, including but not limited to the number of downloads, the identity of the person(s) that downloaded the Cheat Software, and the date of each download.

RESPONSE:

Phoenix Digital objects to this request as being not relevant to the extent it seeks the identity of the person(s) who downloaded the “Cheat Software.” Subject to and without waiver of the above objection, Phoenix Digital will produce relevant, non-privileged documents if, and to the extent, any exist. At present, no such documents are in the possession and/or control of Phoenix Digital.

SUPPLEMENTAL RESPONSE:

Records from PayPal reflecting information responsive to this request have now been produced by PayPal and are in Plaintiff’s possession. Records from Stripe responsive to this request are being produced contemporaneously herewith.

After a reasonably diligent search, no other documents in Phoenix Digital’s possession, custody or control responsive to this request have been found.

REQUEST FOR PRODUCTION NO. 8:

Produce all documents and communications referring or relating to the Cheat Software.

RESPONSE:

Please see responses to Requests 1-7 above. To the extent this Request requests documents beyond those requested in Requests 1-7 above, Phoenix Digital does not understand what further is being requested.

SUPPLEMENTAL RESPONSE:

In addition to its General Objections, Phoenix Digital objects to this request for “[a]ll documents” as overly broad and unduly burdensome and is therefore not proportional to the

1 needs of the case. Phoenix Digital further objects to this Request as seeking documents
2 protected by the attorney-client privilege and/or attorney work product doctrine, as well as
3 any other applicable immunity from disclosure.

4 Subject to and without waiving these objections, Bungie will produce non-privileged
5 documents responsive to this Request that are in Phoenix Digital's possession, custody, or
6 control, if any, that are located after a reasonably diligent search.

7 At present, no such documents are in the possession and/or control of Phoenix Digital.
8

9 **REQUEST FOR PRODUCTION NO. 9:**

10 Produce documents sufficient to show how the Cheat Software functions, including
11 but not limited to how the Cheat Software performs the ESP, AIMBOT, and OPK features.

12 **RESPONSE:**

13 Phoenix Digital will produce relevant, non-privileged documents if, and to the extent,
14 any exist. At present, no such documents are in the possession and/or control of Phoenix
15 Digital. Furthermore, it is believed that documents responsive to this request are already in
16 the possession of Bungie.

17 **SUPPLEMENTAL RESPONSE:**

18 After a reasonably diligent search, no documents in Phoenix Digital's possession,
19 custody or control responsive to this request have been found.
20

21 **REQUEST FOR PRODUCTION NO. 10:**

22 Produce sufficient to show any portion(s) of the Destiny 2 video game software code
23 copied and/or modified by Phoenix Digital or anyone employed by, hired by, or otherwise
24 utilized by Phoenix Digital to create, develop, or otherwise modify the Cheat Software.
25
26
27
28

1 **RESPONSE:**

2 Phoenix Digital will produce relevant, non-privileged documents if, and to the extent,
3 any exist. At present, no such documents are in the possession and/or control of Phoenix
4 Digital. See answer to Interrogatory No. 1.

5 **SUPPLEMENTAL RESPONSE:**

6 After a reasonably diligent search, no documents in Phoenix Digital's possession,
7 custody or control responsive to this request have been found.

8
9 **REQUEST FOR PRODUCTION NO. 11:**

10 Produce documents sufficient to show any changes, modifications, updates, and/or
11 patches made to the Cheat Software to bring the Cheat Software back online on or about
12 November 11, 2020.

13 **RESPONSE:**

14 Phoenix Digital will produce relevant, non-privileged documents if, and to the extent,
15 any exist. At present, no such documents are in the possession and/or control of Phoenix
16 Digital.

17 **SUPPLEMENTAL RESPONSE:**

18 After a reasonably diligent search, no documents in Phoenix Digital's possession,
19 custody or control responsive to this request have been found.

20
21 **REQUEST FOR PRODUCTION NO. 12:**

22 Produce all documents related to each sale or distribution of the Cheat Software,
23 including but not limited to the date of the transaction, the payment amount for the
24 transaction, the identity of the purchaser of the Cheat Software, and the payment processor
25 used for the transaction.

RESPONSE:

Phoenix Digital objects to this request as being not relevant to the extent it seeks the identity of the person(s) who downloaded the “Cheat Software.” Subject to and without waiver of the above objection, Phoenix Digital will produce relevant, non-privileged documents if, and to the extent, any exist. Furthermore, it is believed that documents responsive to this request are already in the possession of Bungie.

SUPPLEMENTAL RESPONSE:

Records from PayPal reflecting information responsive to this request have now been produced by PayPal and are in Plaintiff’s possession. Records from Stripe responsive to this request are being produced contemporaneously herewith.

After a reasonably diligent search, no other documents in Phoenix Digital’s possession, custody or control responsive to this request have been found.

REQUEST FOR PRODUCTION NO. 16:

Produce documents sufficient to show any payments made by Phoenix Digital to any person involved in the creation, development, modification, updating, and/or patching of the Cheat Software, including but not limited to the person to whom the payment was made, the amount of each payment, and the payment processor used to make the payment.

RESPONSE:

Phoenix Digital objects to this request as being not relevant to the extent it seeks the identity of the person(s) “to whom the payment was made.” Subject to and without waiver of the above objection, Phoenix Digital will produce relevant, non-privileged documents if, and to the extent, any exist. At present, no such documents are in the possession and/or control of Phoenix Digital.

1 **SUPPLEMENTAL RESPONSE:**

2 Records from PayPal reflecting information responsive to this request have now been
3 produced by PayPal and are in Plaintiff's possession. Records from Stripe responsive to this
4 request are being produced contemporaneously herewith.

5 After a reasonably diligent search, no other documents in Phoenix Digital's
6 possession, custody or control responsive to this request have been found.

7 **REQUEST FOR PRODUCTION NO. 17:**

8 Produce copies of all versions of any webpage on the AimJunkies.com website on
9 which the Cheat Software was advertised or sold.

10 **RESPONSE:**

11 Phoenix Digital will produce relevant, non-privileged documents if, and to the extent,
12 any exist. At present, no such documents are in the possession and/or control of Phoenix
13 Digital.

14 **SUPPLEMENTAL RESPONSE:**

15 After a reasonably diligent search, no documents in Phoenix Digital's possession,
16 custody or control responsive to this request have been found.

17
18 **REQUEST FOR PRODUCTION NO. 20:**

19 Produce documents sufficient to identify the target consumers of the Cheat Software.

20 **RESPONSE:**

21 Phoenix Digital will produce relevant, non-privileged documents if, and to the extent,
22 any exist. At present, no such documents are in the possession and/or control of Phoenix
23 Digital.

24 **SUPPLEMENTAL RESPONSE:**

25 After a reasonably diligent search, no documents in Phoenix Digital's possession,
26 custody or control responsive to this request have been found.

REQUEST FOR PRODUCTION NO. 23:

Produce all documents and communications relating to the press release issued on or about May 23, 2022, concerning the purported sale of AimJunkies.com to Blome Entertainment, including but not limited documents and communications related to the creation and drafting of the press release, and documents and communications relating to and sufficient to identify Andreas Banek and Warren Apenzeller.

RESPONSE:

Phoenix Digital will produce relevant, non-privileged documents if, and to the extent, any exist. At present, no such documents are believed to exist.

SUPPLEMENTAL RESPONSE:

A copy of the May 23, 2022 press release will be produced. All other copies of the press release are subject to the attorney-client privilege.

After a reasonably diligent search, no other unprivileged documents in Phoenix Digital's possession, custody or control responsive to this request have been found.

REQUEST FOR PRODUCTION NO. 26:

Produce documents sufficient to identify all current and past employees, independent contractors, or any other agent of Phoenix Digital.

RESPONSE:

Phoenix Digital objects to this request as being irrelevant to any issue in presently before the Court.

SUPPLEMENTAL RESPONSE:

Phoenix Digital does not have employees. The answer to this interrogatory can be ascertained by reference to the documents produced by PayPal in response to the subpoena served by Bungie, Inc., which documents are in the possession of Bungie, Inc.

REQUEST FOR PRODUCTION NO. 27:

Produce all communications with James May.

RESPONSE:

Phoenix Digital will produce relevant, non-privileged documents if, and to the extent, any exist. At present, no such documents are believed to exist.

SUPPLEMENTAL RESPONSE:

After a reasonably diligent search, no documents in Phoenix Digital's possession, custody or control responsive to this request have been found.

REQUEST FOR PRODUCTION NO. 28:

Produce documents sufficient to identify all bank accounts, financial accounts, payment processor accounts, or any other source(s) of funds or accounts owned by Phoenix Digital that are or have been used to process and/or store funds related to the sale of the Cheat Software.

RESPONSE:

Phoenix Digital objects to this request as being irrelevant to any issue in presently before the Court. Subject to and without waiver of the foregoing objection, certain records responsive to this request have already been made available to Plaintiff via PayPal and otherwise.

SUPPLEMENTAL RESPONSE:

Records from PayPal reflecting information responsive to this request have now been produced by PayPal and are in Plaintiff's possession. Records from Stripe responsive to this request are being produced contemporaneously herewith.

After a reasonably diligent search, no other documents in Phoenix Digital's possession, custody or control responsive to this request have been found.

REQUEST FOR PRODUCTION NO. 30:

Produce documents sufficient to show any email address(es), IP address(es), and Internet Service Provider(s) ("ISP") used by Phoenix Digital, and anyone employed by, acting at the direction of, or otherwise associated with Phoenix Digital, including but not limited to David Schaefer, Jeffrey Conway, Jordan Green, Warren Apenzeller, and James May.

RESPONSE:

Phoenix Digital objects to this request as being irrelevant to any issue in presently before the Court and as calling for personal information not relevant to any issue before this Court.

SUPPLEMENTAL RESPONSE:

Records from PayPal reflecting information responsive to this request have now been produced by PayPal and are in Plaintiff's possession. Records from Stripe responsive to this request are being produced contemporaneously herewith.

After a reasonably diligent search, no other documents in Phoenix Digital's possession, custody or control responsive to this request have been found.

Dated September 2, 2022.

/s/ Philip P. Mann

Philip P. Mann, WSBA No: 28860

Mann Law Group PLLC

403 Madison Ave. N. Ste. 240

Bainbridge Island, Washington 98110

Phone (206) 436-0900

phil@mannlawgroup.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on September 2, 2022, I caused the foregoing document to be electronically mailed to counsel of record as follows:

WRava@perkinscoie.com

JDini@perkinscoie.com

CMarcelo@perkinscoie.com

s/ Philip P. Mann

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC., a Delaware corporation,

Plaintiff

v.

AIMJUNKIES.COM, a business of unknown
classification; PHOENIX DIGITAL GROUP
LLC, an Arizona limited liability company;
JEFFREY CONWAY, an individual; DAVID
SCHAEFER, an individual; JORDAN GREEN,
an individual; and JAMES MAY, an individual,

Defendants.

Cause No. 2:21-cv-0811 TSZ

**DEFENDANT PHOENIX
DIGITAL GROUP LLC'S
RESPONSES TO PLAINTIFF'S
INTERROGATORIES NOS. 2,
6 AND 7**

Pursuant to Federal Rule of Civil Procedure 26, 33 AND 34, Defendant Phoenix
Digital Group LLC ("Phoenix Digital") hereby supplements its responses to Plaintiff Bungie,
Interrogatories Nos. 2, 6 and 7 as follows:

GENERAL OBJECTIONS

Phoenix Digital's General Objections set out in its RESPONSES TO PLAINTIFF'S
FIRST SET OF INTERROGATORIES NOS. 1-7 served July 25, 2022 are incorporated as
if set out fully herein.

SUPPLEMENTAL RESPONSES TO INTERROGATORIES**INTERROGATORY NO. 2:**

Describe all facts concerning Phoenix Digital's decision to create, develop, and sell the Cheat Software, including but not limited to the person(s) involved in those decisions and the reason Phoenix Digital decided to sell the Cheat Software.

RESPONSE:

Phoenix Digital does not create, develop or sell the "Cheat Software" but instead distributes products created by others. Answering further, Phoenix Digital identifies David Schaefer.

SUPPLEMENTAL RESPONSE:

Phoenix Digital never made a decision to create, develop or sell the "Cheat Software." Instead, Phoenix Digital, through the Aimjunkies.com website, helps distribute the products developed, created, sold and delivered by others.

David Schaefer made the decision, on or about December 19, 2019, to help distribute the products at issue here. David Schaefer made the decision, on or about November 12, 2020 to no longer help distribute the products at issue here. The initial decision to help distribute the products at issue here was made to expand Phoenix Digital's line of offered products. The decision to no longer help distribute the products at issue here was to voluntarily comply with Plaintiff Bungie, Inc.'s November 4, 2020 demand (received by Phoenix Digital on or about November 10, 2020) that Phoenix Digital stop distributing the products at issue here.

INTERROGATORY NO. 6:

Describe all facts relating to how Phoenix Digital "allows the customer to access the third-party developer's computer server and download the [Cheat Software] directly from the third-party developer," as described in paragraph 5 of the Declaration of David Schaefer in Opposition to Plaintiff's Motion for Preliminary Injunction (Dkt. No. 39-1), including but not

1 limited information sufficient to identify and/or locate (e.g., IP address or website URL) each
2 server where the Cheat Software is/was hosted, and how Phoenix Digital enabled the
3 connection between the purchaser and third-party developers' computer servers.

4 **RESPONSE:**

5 After accessing the AimJunkies.com website, customers wishing to obtain a product
6 will, after placing an order, be directed and connected with the third-party developers
7 computer server, which then downloads the product directly to the customer's computer
8 without passing through any Phoneix Digital computer. Furthermore, it is believed that the
9 answer to this interrogatory can be ascertained from records and documents already in the
10 possession of Bungie. To the extent this interrogatory requests, "information sufficient to
11 identify and/or locate (e.g., IP address or website URL) each server where the Cheat Software
12 is/was hosted," Phoenix Digital objects to this Interrogatory as being irrelevant to any of the
13 issues before the Court in this case and as calling for personal information not relevant to any
14 issue before the Court in this matter.

15 **SUPPLEMENTAL RESPONSE:**

16 After further review, the answer above is slightly in error in that, after placing an
17 order, the customer is directed and connected with the third-party developer's computer
18 server, which then passes the product through a Phoneix Digital computer to the customer's
19 computer.

20 As of May 5, 2022, Phoenix Digital no longer owns the Aimjunkies.com website and
21 has no access to information regarding the identity or location of each server where the
22 relevant products were hosted. Nor does Phoenix Digital have any records in this regard.

23 **INTERROGATORY NO. 7:**

24 Identify all bank accounts, financial accounts, payment processor accounts, or any
25 other source(s) of funds or accounts owned by Phoenix Digital that are or have been used to
26 process and/or store funds related the sale of the Cheat Software.
27
28

RESPONSE:

Phoenix Digital objects to this Interrogatory as being irrelevant to any of the issues before the Court in this case and as calling for personal information not relevant to any issue before the Court in this matter.

SUPPLEMENTAL RESPONSE:

The answer to this Interrogatory may be ascertained from the records produced by PayPal in response to Plaintiff Bungie, Inc.'s subpoena dated June 23, 2022 and from the Stripe records produced in Phoenix Digital's supplemental responses to Bungie's Requests for Documents served contemporaneously herewith. Answering further, Phoenix Digital states:

PayPal.

Stripe.

Dated September 2, 2022.

/s/ Philip P. Mann

Philip P. Mann, WSBA No: 28860

Mann Law Group PLLC

403 Madison Ave. N. Ste. 240

Bainbridge Island, Washington 98110

Phone (206) 436-0900

phil@mannlawgroup.com

Attorneys for Defendants

Verification

AS TO SUPPLEMENTAL RESPONSES TO INTERROGATORIES 2, 6 AND 7:

David Schaefer, being duly sworn, deposes and says that he is the President of Phoenix Digital Group LLC, Defendant in the above-captioned action, that he has read the foregoing responses by him subscribed, that said responses were prepared with the assistance of counsel upon which he has relied and is based on his experiences and knowledge, and that subject to said limitations, the responses are true, correct and complete to the best of his information and belief.

DATED this 2nd day of September, 2022.

David Schaefer

AS TO OBJECTIONS:

/s/ Philip P. Mann
Philip P. Mann

CERTIFICATE OF SERVICE

I hereby certify that on September 2, 2022, I caused the foregoing document to be electronically mailed to counsel of record as follows:

WRava@perkinscoie.com

JDini@perkinscoie.com

CMarcelo@perkinscoie.com

s/ Philip P. Mann

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC., a Delaware corporation,

Plaintiff

v.

AIMJUNKIES.COM, a business of unknown
classification; PHOENIX DIGITAL GROUP
LLC, an Arizona limited liability company;
JEFFREY CONWAY, an individual; DAVID
SCHAEFER, an individual; JORDAN GREEN,
an individual; and JAMES MAY, an individual,

Defendants.

Cause No. 2:21-cv-0811 TSZ

**DEFENDANT JAMES MAY'S
RESPONSES TO PLAINTIFF'S
SECOND SET OF
INTERROGATORIES NOS. 6-
8**

Pursuant to Federal Rule of Civil Procedure 26, 33 AND 34, Defendant James May ("Mr. May") hereby responds to Plaintiff Bungie, Inc.'s Second Set of Interrogatories Nos. 6-10 as follows:

GENERAL OBJECTIONS

Mr. May makes the following objections to Plaintiff's Second Set of Interrogatories:

1. To the extent Plaintiff's definitions and instructions are inconsistent with the appropriate Federal Rules of Civil Procedure, such as Fed. R. Civ. P. 26 and 34, Mr. May will rely upon the Federal Rules of Civil Procedure, the Local Rules and governing case law with respect to the subject definitions and instructions and responses.

2. Where a request includes words or concepts indicative of a legal conclusion, Mr. May does not represent or concede that such legal conclusions or concepts apply.

3. In those instances where the responses to Plaintiff's document requests can be derived from the records of Mr. May or from an examination, audit or inspection of such records, and the burden of deriving or ascertaining the response is substantially the same for Plaintiff and Mr. May, Mr. May will specify the records from which a complete response may be ascertained and afford Plaintiff's counsel a reasonable opportunity to audit, inspect and copy such records or provide categorized copies of such records in accordance with Federal Rules of Civil Procedure 33(c).

4. The absence of Mr. May's standing on objections should not be construed as agreement that particular documents exist or will be produced. (Colloquially: "The absence of 'no' does not mean 'yes.'").

5. Certain categories are premature since they request Mr. May to produce documents it does not necessarily have right now, but may or will have in the future (e.g., documents on which Mr. May will rely for particular issues, exhibits Mr. May will use, witnesses and witness lists, documents relating to damages, etc.). Mr. May will comply with such requests through seasonal supplementation of its document production or through reliance on documents produced by others.

6. To the extent any document request calls for documents or things that are governed by contractual confidentiality provisions against disclosure, Mr. May objects to providing any such documents or things in any manner that would contravene Mr. May's obligations absent a Court order.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 6:

Identify and describe each and every technological measure that you allege Bungie circumvented to access any data and files generated and stored on your computer and/or external hard drive.

RESPONSE:

Firewalls operating in conjunction with Mr. May's personal computer.

Passwords used by Mr. May to preclude unauthorized access to files stored on Mr. May's personal computer.

Mr. May reserves the right to supplement his response to this interrogatory as discovery continues and as more information regarding Bungie's unauthorized access comes to light.

INTERROGATORY NO. 7:

Identify each file that you allege Bungie downloaded or accessed on your computer, including but not limited to the author of each file and how you obtained the file.

RESPONSE:

The answer to this interrogatory may be ascertained by reference to Bungie production document BUNGIE_WDWA_0000409, and in particular, column “3” thereof.

A further answer to this interrogatory may also be ascertained by reference to Bungie production document BUNGIE_WDWA_0000367.

Mr. May reserves the right to supplement his response to this interrogatory as discovery continues and as more information regarding Bungie's unauthorized access comes to light.

INTERROGATORY NO. 8:

Calculate and provide the basis for each category of your alleged damages, specifying how you reached those calculations, including but not limited to the fair value of your time.

RESPONSE:

See paragraphs 35 and 36 of Mr. May's Amended Counterclaim filed November 21, 2022.

Dated March 3, 2023.

/s/ Philip P. Mann

Philip P. Mann, WSBA No: 28860
Mann Law Group PLLC
403 Madison Ave. N. Ste. 240
Bainbridge Island, Washington 98110
Phone (206) 436-0900
phil@mannlawgroup.com
Attorneys for Defendants

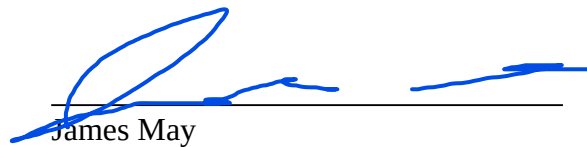
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Verification

AS TO RESPONSES TO INTERROGATORIES:

James May, being duly sworn, deposes and says that he is one of the Defendants in the above-captioned action, that he has read the foregoing responses by him subscribed, that said responses were prepared with the assistance of counsel upon which he has relied and is based on his experiences and knowledge, and that subject to said limitations, the responses are true, correct and complete to the best of his information and belief.

DATED this 3rd day of March, 2023.



James May

AS TO OBJECTIONS:

/s/ Philip P. Mann
Philip P. Mann

CERTIFICATE OF SERVICE

I hereby certify that on March 3, 2023, I caused the foregoing document to be electronically mailed to counsel of record as follows:

WRava@perkinscoie.com

JDini@perkinscoie.com

CMarcelo@perkinscoie.com

s/ Philip P. Mann

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC., a Delaware corporation,

Plaintiff

v.

AIMJUNKIES.COM, a business of unknown
classification; PHOENIX DIGITAL GROUP
LLC, an Arizona limited liability company;
JEFFREY CONWAY, an individual; DAVID
SCHAEFER, an individual; JORDAN GREEN,
an individual; and JAMES MAY, an individual,

Defendants.

Cause No. 2:21-cv-0811 TSZ

**DEFENDANT JAMES MAY'S
SUPPLEMENTAL RESPONSE
TO PLAINTIFF'S
INTERROGATORY NO. 8**

Pursuant to Federal Rule of Civil Procedure 26, 33 and 34, Defendant James May
("Mr. May") hereby supplements his response to Plaintiff Bungie's Interrogatory No.8 as
follows:

GENERAL OBJECTIONS

Mr. May's General Objections set out in his RESPONSES TO PLAINTIFF'S
SECOND SET OF INTERROGATORIES NOS. 6-8 served March 3, 2023 are
incorporated as if set out fully herein.

SUPPLEMENTAL RESPONSE

INTERROGATORY NO. 8:

Calculate and provide the basis for each category of your alleged damages, specifying how you reached those calculations, including but not limited to the fair value of your time.

RESPONSE:

See paragraphs 35 and 36 of Mr. May's Amended Counterclaim filed November 21, 2022.

SUPPLEMENTAL RESPONSE:

Mr. May's damages suffered as a result of Bungie's unauthorized access to and retrieval of Mr. May's confidential and private computer files include, but are not limited to, his spending in excess of \$2702 to purchase new computers and drives, and spending in excess of 40 hours reviewing files for indication of compromise, cleaning such files when detected, and getting the new computer set up and ready for work, all incurred at the fair value of his time of at least \$75 per hour. The value of Mr. May's time is based, in part, on a survey of prices charged by computer technicians and consultants in the Dayton, Ohio area for services rendered in setting up new computers, scanning for viruses and malware installed by others and taking corrective action. Mr. May has incurred further damages in an amount to be determined at trial. Mr. May may supplement this answer as discovery continues and more information is brought to his attention.

Dated March 14, 2023.

/s/ Philip P. Mann

Philip P. Mann, WSBA No: 28860

Mann Law Group PLLC

403 Madison Ave. N. Ste. 240

Bainbridge Island, Washington 98110

Phone (206) 436-0900

phil@mannlawgroup.com

Attorneys for Defendants

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Verification

AS TO SUPPLEMENTAL RESPONSE:

James May, being duly sworn, deposes and says that he is one of the Defendants in the above-captioned action, that he has read the foregoing response by him subscribed, that said response was prepared with the assistance of counsel upon which he has relied and is based on his experiences and knowledge, and that subject to said limitations, the response is true, correct and complete to the best of his information and belief.

DATED this 14th day of March, 2023.



James May

AS TO OBJECTIONS:

/s/ Philip P. Mann

Philip P. Mann

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2023, I caused the foregoing document to be electronically mailed to counsel of record as follows:

WRava@perkinscoie.com

JDini@perkinscoie.com

CMarcelo@perkinscoie.com

s/ Philip P. Mann

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC., a Delaware corporation,

Plaintiff

v.

AIMJUNKIES.COM, a business of unknown
classification; PHOENIX DIGITAL GROUP
LLC, an Arizona limited liability company;
JEFFREY CONWAY, an individual; DAVID
SCHAEFER, an individual; JORDAN GREEN,
an individual; and JAMES MAY, an individual,

Defendants.

Cause No. 2:21-cv-0811 TSZ

**DEFENDANT JAMES MAY'S
RESPONSES TO PLAINTIFF'S
SECOND SET OF
INTERROGATORIES NOS. 6-
8**

Pursuant to Federal Rule of Civil Procedure 26, 33 AND 34, Defendant James May ("Mr. May") hereby responds to Plaintiff Bungie, Inc.'s Second Set of Interrogatories Nos. 6-10 as follows:

GENERAL OBJECTIONS

Mr. May makes the following objections to Plaintiff's Second Set of Interrogatories:

1. To the extent Plaintiff's definitions and instructions are inconsistent with the appropriate Federal Rules of Civil Procedure, such as Fed. R. Civ. P. 26 and 34, Mr. May will rely upon the Federal Rules of Civil Procedure, the Local Rules and governing case law with respect to the subject definitions and instructions and responses.

2. Where a request includes words or concepts indicative of a legal conclusion, Mr. May does not represent or concede that such legal conclusions or concepts apply.

1 3. In those instances where the responses to Plaintiff's document requests can be
2 derived from the records of Mr. May or from an examination, audit or inspection of such
3 records, and the burden of deriving or ascertaining the response is substantially the same for
4 Plaintiff and Mr. May, Mr. May will specify the records from which a complete response may
5 be ascertained and afford Plaintiff's counsel a reasonable opportunity to audit, inspect and
6 copy such records or provide categorized copies of such records in accordance with Federal
7 Rules of Civil Procedure 33(c).

8 4. The absence of Mr. May's standing on objections should not be construed as
9 agreement that particular documents exist or will be produced. (Colloquially: "The absence
10 of 'no' does not mean 'yes.'").

11 5. Certain categories are premature since they request Mr. May to produce
12 documents it does not necessarily have right now, but may or will have in the future (e.g.,
13 documents on which Mr. May will rely for particular issues, exhibits Mr. May will use,
14 witnesses and witness lists, documents relating to damages, etc.). Mr. May will comply with
15 such requests through seasonal supplementation of its document production or through
16 reliance on documents produced by others.

17 6. To the extent any document request calls for documents or things that are
18 governed by contractual confidentiality provisions against disclosure, Mr. May objects to
19 providing any such documents or things in any manner that would contravene Mr. May's
20 obligations absent a Court order.

21 **RESPONSES TO INTERROGATORIES**

22 **INTERROGATORY NO. 6:**

23 Identify and describe each and every technological measure that you allege Bungie
24 circumvented to access any data and files generated and stored on your computer and/or
25 external hard drive.
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RESPONSE:

Firewalls operating in conjunction with Mr. May's personal computer.

Passwords used by Mr. May to preclude unauthorized access to files stored on Mr. May's personal computer.

Mr. May reserves the right to supplement his response to this interrogatory as discovery continues and as more information regarding Bungie's unauthorized access comes to light.

INTERROGATORY NO. 7:

Identify each file that you allege Bungie downloaded or accessed on your computer, including but not limited to the author of each file and how you obtained the file.

RESPONSE:

The answer to this interrogatory may be ascertained by reference to Bungie production document BUNGIE_WDWA_0000409, and in particular, column “3” thereof.

A further answer to this interrogatory may also be ascertained by reference to Bungie production document BUNGIE_WDWA_0000367.

Mr. May reserves the right to supplement his response to this interrogatory as discovery continues and as more information regarding Bungie's unauthorized access comes to light.

INTERROGATORY NO. 8:

Calculate and provide the basis for each category of your alleged damages, specifying how you reached those calculations, including but not limited to the fair value of your time.

RESPONSE:

See paragraphs 35 and 36 of Mr. May's Amended Counterclaim filed November 21, 2022.

Dated March 3, 2023.

/s/ Philip P. Mann

Philip P. Mann, WSBA No: 28860
Mann Law Group PLLC
403 Madison Ave. N. Ste. 240
Bainbridge Island, Washington 98110
Phone (206) 436-0900
phil@mannlawgroup.com
Attorneys for Defendants

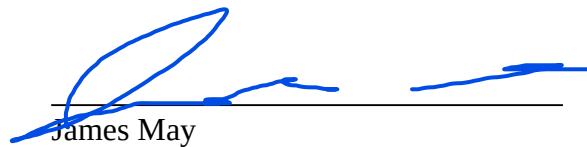
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Verification

AS TO RESPONSES TO INTERROGATORIES:

James May, being duly sworn, deposes and says that he is one of the Defendants in the above-captioned action, that he has read the foregoing responses by him subscribed, that said responses were prepared with the assistance of counsel upon which he has relied and is based on his experiences and knowledge, and that subject to said limitations, the responses are true, correct and complete to the best of his information and belief.

DATED this 3rd day of March, 2023.



James May

AS TO OBJECTIONS:

/s/ Philip P. Mann
Philip P. Mann

CERTIFICATE OF SERVICE

I hereby certify that on March 3, 2023, I caused the foregoing document to be electronically mailed to counsel of record as follows:

WRava@perkinscoie.com

JDini@perkinscoie.com

CMarcelo@perkinscoie.com

s/ Philip P. Mann

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC., a Delaware corporation,

Plaintiff

v.

AIMJUNKIES.COM, a business of unknown
classification; PHOENIX DIGITAL GROUP
LLC, an Arizona limited liability company;
JEFFREY CONWAY, an individual; DAVID
SCHAEFER, an individual; JORDAN GREEN,
an individual; and JAMES MAY, an individual,

Defendants.

Cause No. 2:21-cv-0811 TSZ

**DEFENDANT JAMES MAY'S
SUPPLEMENTAL RESPONSE
TO PLAINTIFF'S
INTERROGATORY NO. 8**

Pursuant to Federal Rule of Civil Procedure 26, 33 and 34, Defendant James May ("Mr. May") hereby supplements his response to Plaintiff Bungie's Interrogatory No.8 as follows:

GENERAL OBJECTIONS

Mr. May's General Objections set out in his RESPONSES TO PLAINTIFF'S SECOND SET OF INTERROGATORIES NOS. 6-8 served March 3, 2023 are incorporated as if set out fully herein.

SUPPLEMENTAL RESPONSE

INTERROGATORY NO. 8:

Calculate and provide the basis for each category of your alleged damages, specifying how you reached those calculations, including but not limited to the fair value of your time.

RESPONSE:

See paragraphs 35 and 36 of Mr. May's Amended Counterclaim filed November 21, 2022.

SUPPLEMENTAL RESPONSE:

Mr. May's damages suffered as a result of Bungie's unauthorized access to and retrieval of Mr. May's confidential and private computer files include, but are not limited to, his spending in excess of \$2702 to purchase new computers and drives, and spending in excess of 40 hours reviewing files for indication of compromise, cleaning such files when detected, and getting the new computer set up and ready for work, all incurred at the fair value of his time of at least \$75 per hour. The value of Mr. May's time is based, in part, on a survey of prices charged by computer technicians and consultants in the Dayton, Ohio area for services rendered in setting up new computers, scanning for viruses and malware installed by others and taking corrective action. Mr. May has incurred further damages in an amount to be determined at trial. Mr. May may supplement this answer as discovery continues and more information is brought to his attention.

Dated March 14, 2023.

/s/ Philip P. Mann

Philip P. Mann, WSBA No: 28860

Mann Law Group PLLC

403 Madison Ave. N. Ste. 240

Bainbridge Island, Washington 98110

Phone (206) 436-0900

phil@mannlawgroup.com

Attorneys for Defendants

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Verification

AS TO SUPPLEMENTAL RESPONSE:

James May, being duly sworn, deposes and says that he is one of the Defendants in the above-captioned action, that he has read the foregoing response by him subscribed, that said response was prepared with the assistance of counsel upon which he has relied and is based on his experiences and knowledge, and that subject to said limitations, the response is true, correct and complete to the best of his information and belief.

DATED this 14th day of March, 2023.

James May

AS TO OBJECTIONS:

/s/ Philip P. Mann
Philip P. Mann

CERTIFICATE OF SERVICE

I hereby certify that on March 14, 2023, I caused the foregoing document to be electronically mailed to counsel of record as follows:

WRava@perkinscoie.com

JDini@perkinscoie.com

CMarcelo@perkinscoie.com

s/ Philip P. Mann

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC., a Delaware corporation,

Plaintiff

v.

AIMJUNKIES.COM, a business of unknown
classification; PHOENIX DIGITAL GROUP
LLC, an Arizona limited liability company;
JEFFREY CONWAY, an individual; DAVID
SCHAEFER, an individual; JORDAN GREEN,
an individual; and JAMES MAY, an individual,

Defendants.

Cause No. 2:21-cv-0811 TSZ

**DEFENDANT PHOENIX
DIGITAL GROUP LLC'S
RESPONSES TO PLAINTIFF'S
SECOND SET OF REQUESTS
FOR PRODUCTION NOS. 31-
43**

Pursuant to Federal Rule of Civil Procedure 26, 33 AND 34, Defendant Phoenix
Digital Group LLC ("Phoenix Digital") hereby responds to Plaintiff Bungie, Inc.'s Second
Set of Requests for Production as follows:

GENERAL OBJECTIONS

The General Objections stated in Phoenix Digital's Response (served July 25, 2022)
to Plaintiff's First Set of Requests For Production are incorporated as if set forth fully herein.

RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 31:

Produce all documents and communications sent to or from, or that refer or relate to Andreas Banek.

RESPONSE:

No such documents are in the possession and/or control of Phoenix Digital.

REQUEST FOR PRODUCTION NO. 32:

Produce all documents and communications sent to or from, or that refer or relate to Jason Hahn, Alexandria Fajardo, and/or the AimJunkies.com forum account(s) named "SSJason" in connection with the Cheat Software and/or Destiny 2.

RESPONSE:

No such documents are in the possession and/or control of Phoenix Digital.

REQUEST FOR PRODUCTION NO. 33:

Produce all documents and communications sent to or from, or that refer or relate to the following individuals in connection with the Cheat Software and/or Destiny 2: (a) Aaron Rusby, (b) Antun Berisic, (c) Aruneshwar Roychowdhury, (d) Chris Hebert, (e) David Holmes, (f) Joshua Duran, (g) Kelly Spirit, (h) Laron McManus, (i) Lewis Richardson, (j) Nicholas Fenske, (k) Robert Brown, (l) Samuel Picton, (m) Tobias Vogel, (n) Casey Bobo, (o) Melissa Ferris, (p) Patricia Wilber, (q) Regan McManus, (r) Robert Brown, and (s) Robin Conway.

RESPONSE:

No such documents are in the possession and/or control of Phoenix Digital.

REQUEST FOR PRODUCTION NO. 34:

Produce all documents and communications sent to or from, or that refer or relate to the following entities in connection with the Cheat Software and/or Destiny 2: (a) Arctic Frost LLC, (b) Burst Software, (c) Cascade Vinyls, (d) Lisa's Repair, and (e) Nysam LLC.

RESPONSE:

No such documents are in the possession and/or control of Phoenix Digital.

REQUEST FOR PRODUCTION NO. 35:

Produce all documents and communications referring or relating to all versions of the AimJunkies Terms of Service, including but not limited to copies of any such Terms of Service and documents sufficient to show the date on which Defendants first adopted the AimJunkies Terms of Service and every location (e.g., URL) where Defendants published the AimJunkies Terms of Service.

RESPONSE:

Phoenix Digital will produce relevant, non-privileged documents to the extent, any exist.

REQUEST FOR PRODUCTION NO. 36:

Produce all communications that mention or refer to this Action.

RESPONSE:

All responsive documents have previously been produced.

REQUEST FOR PRODUCTION NO. 37:

Produce all communications that mention or refer to Bungie.

RESPONSE:

All responsive documents have previously been produced.

REQUEST FOR PRODUCTION NO. 38:

Produce all communications that mention or refer to any Bungie games, including but not limited to Destiny 2.

RESPONSE:

All responsive documents have previously been produced.

REQUEST FOR PRODUCTION NO. 39:

Produce all communications that mention or refer to the Cheat Software.

RESPONSE:

All responsive documents have previously been produced.

REQUEST FOR PRODUCTION NO. 40:

Produce all communications found on the Aimjunkies.com website, including but not limited to the website's forums and restricted-access forums such as the VIP section, that refer to or mention Destiny 2, the Cheat Software, or the Action.

RESPONSE:

Responsive documents, if any, are available at the Aimjunkies.com website. To the extent such documents are in the possession and/or control of Phoenix Digital, all responsive documents have previously been produced.

REQUEST FOR PRODUCTION NO. 41:

Produce all communications sent to or from the email address <admin@aimjunkies.com> that references or mentions Destiny 2, Bungie, or the Cheat Software.

RESPONSE:

All responsive documents have previously been produced.

REQUEST FOR PRODUCTION NO. 42:

Produce all documents related to any Teamspeak server owned, operated, and/or used by Phoenix Digital in connection with AimJunkies.com, Destiny 2, and/or the Cheat Software, including but not limited to documents sufficient to identify the Teamspeak server(s) and all members of the Teamspeak server(s) and all communications on or through that server regarding Destiny 2 and/or the Cheat Software.

RESPONSE:

No such documents are in the possession and/or control of Phoenix Digital.

REQUEST FOR PRODUCTION NO. 43:

Produce all documents that Defendants intend to rely on in connection with this Action.

RESPONSE:

Such documents to the extent they have been identified have been produced. Discovery is ongoing and Phoenix Digital reserves the right to supplement its response to this request.

Dated October 10, 2022.

/s/ Philip P. Mann

Philip P. Mann, WSBA No: 28860

Mann Law Group PLLC

403 Madison Ave. N. Ste. 240

Bainbridge Island, Washington 98110

Phone (206) 436-0900

phil@mannlawgroup.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on October 10, 2022, I caused the foregoing document to be electronically mailed to counsel of record as follows:

WRava@perkinscoie.com

JDini@perkinscoie.com

CMarcelo@perkinscoie.com

s/ Philip P. Mann

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC., a Delaware corporation,

Plaintiff

v.

AIMJUNKIES.COM, a business of unknown
classification; PHOENIX DIGITAL GROUP
LLC, an Arizona limited liability company;
JEFFREY CONWAY, an individual; DAVID
SCHAEFER, an individual; JORDAN GREEN,
an individual; and JAMES MAY, an individual,

Defendants.

Cause No. 2:21-cv-0811 TSZ

**DEFENDANT PHOENIX
DIGITAL GROUP LLC'S
RESPONSES TO PLAINTIFF'S
SECOND SET OF
INTERROGATORIES NOS. 8-
10**

Pursuant to Federal Rule of Civil Procedure 26, 33 AND 34, Defendant Phoenix
Digital Group LLC ("Phoenix Digital") hereby responds to Plaintiff Bungie, Inc.'s First Set of
Interrogatories Nos. 1-7 as follows:

GENERAL OBJECTIONS

Phoenix Digital makes the following objections to Plaintiff's First Set of Requests For
Production of Documents:

1. To the extent Plaintiff's definitions and instructions are inconsistent with the
appropriate Federal Rules of Civil Procedure, such as Fed. R. Civ. P. 26 and 34, Phoenix
Digital will rely upon the Federal Rules of Civil Procedure, the Local Rules and governing
case law with respect to the subject definitions and instructions and responses.

1 2. Where a request includes words or concepts indicative of a legal conclusion,
2 Phoenix Digital does not represent or concede that such legal conclusions or concepts apply.

3 3. In those instances where the responses to Plaintiff's document requests can be
4 derived from the records of Phoenix Digital or from an examination, audit or inspection of
5 such records, and the burden of deriving or ascertaining the response is substantially the same
6 for Plaintiff and Phoenix Digital, Phoenix Digital will specify the records from which a
7 complete response may be ascertained and afford Plaintiff's counsel a reasonable opportunity
8 to audit, inspect and copy such records or provide categorized copies of such records in
9 accordance with Federal Rules of Civil Procedure 33(c).

10 4. The absence of Phoenix Digital's standing on objections should not be
11 construed as agreement that particular documents exist or will be produced. (Colloquially:
12 "The absence of 'no' does not mean 'yes.'").

13 5. Certain categories are premature since they request Phoenix Digital to produce
14 documents it does not necessarily have right now, but may or will have in the future (e.g.,
15 documents on which Phoenix Digital will rely for particular issues, exhibits Phoenix Digital
16 will use, witnesses and witness lists, documents relating to damages, etc.). Phoenix Digital
17 will comply with such requests through seasonal supplementation of its document production
18 or through reliance on documents produced by others.

19 6. To the extent any document request calls for documents or things that are
20 governed by contractual confidentiality provisions against disclosure, Phoenix Digital objects
21 to providing any such documents or things in any manner that would contravenePhoenix
22 Digital's obligations absent a Court order.

RESPONSES TO INTERROGATORIES**INTERROGATORY NO. 8:**

Identify each and every Phoenix Digital program that Phoenix Digital alleges Bungie accessed through circumvention of technological measures, including but not limited to the author of each program and how Phoenix Digital obtained the program.

RESPONSE:

As Phoenix Digital's Second Amended Counterclaim for Circumvention of Technological Measures in violation of 17 U.S.C. § 1201(a), has been DISMISSED with prejudice, this interrogatory is not relevant to any issue remaining in the action.

INTERROGATORY NO. 9:

Identify and describe each and every technological measure that Phoenix Digital alleges Bungie circumvented to access any Phoenix Digital programs, including but not limited to the loader software.

RESPONSE:

As Phoenix Digital's Second Amended Counterclaim for Circumvention of Technological Measures in violation of 17 U.S.C. § 1201(a), has been DISMISSED with prejudice, this interrogatory is not relevant to any issue remaining in the action.

INTERROGATORY NO. 10:

Calculate and provide the basis for each category of Phoenix Digital's alleged damages, specifying how Phoenix Digital reached those calculations.

RESPONSE:

See Paragraph 75 of Phoenix Digital's of First Amended Counterclaim. Phoenix Digital will supplement its answer to this interrogatory as more information becomes available.

Dated March 3, 2023.

/s/ Philip P. Mann

Philip P. Mann, WSBA No: 28860
Mann Law Group PLLC

403 Madison Ave. N. Ste. 240
Bainbridge Island, Washington 98110
Phone (206) 436-0900
phil@mannlawgroup.com
Attorneys for Defendants

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Verification

AS TO RESPONSES TO INTERROGATORIES:

David Schaefer, being duly sworn, deposes and says that he is the President of Phoenix Digital Group LLC, Defendant in the above-captioned action, that he has read the foregoing responses by him subscribed, that said responses were prepared with the assistance of counsel upon which he has relied and is based on his experiences and knowledge, and that subject to said limitations, the responses are true, correct and complete to the best of his information and belief.

DATED this 3rd day of March, 2023.

David Schaefer

AS TO OBJECTIONS:

/s/ Philip P. Mann
Philip P. Mann

CERTIFICATE OF SERVICE

I hereby certify that on March 3, 2023, I caused the foregoing document to be electronically mailed to counsel of record as follows:

WRava@perkinscoie.com

JDini@perkinscoie.com

CMarcelo@perkinscoie.com

s/ Philip P. Mann

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC., a Delaware corporation,

Plaintiff

v.

AIMJUNKIES.COM, a business of unknown
classification; PHOENIX DIGITAL GROUP
LLC, an Arizona limited liability company;
JEFFREY CONWAY, an individual; DAVID
SCHAEFER, an individual; JORDAN GREEN,
an individual; and JAMES MAY, an individual,

Defendants.

Cause No. 2:21-cv-0811 TSZ

**DEFENDANT JAMES MAY'S
RESPONSES TO PLAINTIFF'S
THIRD SET OF REQUESTS
FOR PRODUCTION NOS. 27-
33**

Pursuant to Federal Rule of Civil Procedure 26, 33 AND 34, Defendant James May ("Mr. May") hereby responds to Plaintiff Bungie, Inc.'s Third Set of Requests for Production as follows:

GENERAL OBJECTIONS

Mr. May makes the following objections to Plaintiff's Third Set of Requests For Production of Documents:

1. To the extent Plaintiff's definitions and instructions are inconsistent with the appropriate Federal Rules of Civil Procedure, such as Fed. R. Civ. P. 26 and 34, Mr. May will rely upon the Federal Rules of Civil Procedure, the Local Rules and governing case law with respect to the subject definitions and instructions and responses.

2. Where a request includes words or concepts indicative of a legal conclusion, Mr. May does not represent or concede that such legal conclusions or concepts apply.

3. In those instances where the responses to Plaintiff's document requests can be derived from the records of Mr. May or from an examination, audit or inspection of such records, and the burden of deriving or ascertaining the response is substantially the same for Plaintiff and Mr. May, Mr. May will specify the records from which a complete response may be ascertained and afford Plaintiff's counsel a reasonable opportunity to audit, inspect and copy such records or provide categorized copies of such records in accordance with Federal Rules of Civil Procedure 33(c).

4. The absence of Mr. May's standing on objections should not be construed as agreement that particular documents exist or will be produced. (Colloquially: "The absence of 'no' does not mean 'yes.'").

5. Certain categories are premature since they request Mr. May to produce documents it does not necessarily have right now, but may or will have in the future (e.g., documents on which Mr. May will rely for particular issues, exhibits Mr. May will use, witnesses and witness lists, documents relating to damages, etc.). Mr. May will comply with such requests through seasonal supplementation of its document production or through reliance on documents produced by others.

6. To the extent any document request calls for documents or things that are governed by contractual confidentiality provisions against disclosure, Mr. May objects to providing any such documents or things in any manner that would contravene Mr. May's obligations absent a Court order.

RESPONSES TO REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 27:

All documents showing that Bungie downloaded any information from files on your personal computer and/or external hard drive.

1 **RESPONSE:**

2 Documents responsive to this request have already been produced (See in particular
3 Bungie production documents BUNGIE_WDWA_0000409 and
4 BUNGIE_WDWA_0000367. See also Bungie's Limited Software License Agreement last
5 updated March 6, 2020 as well as the Bungie Privacy Statement last updated January 1, 2020
6 referenced therein.

7 Mr. May will produce relevant, non-privileged documents if, and to the extent, any are
8 discovered as discovery continues.

9 **REQUEST FOR PRODUCTION NO. 28:**

10 All documents relating to any expenses incurred purchasing new computers and drives
11 as a result of Bungie's alleged access to your computer and/or external hard drive.

12 **RESPONSE:**

13 Mr. May will produce relevant, non-privileged documents if, and to the extent, any
14 exist.

15 **REQUEST FOR PRODUCTION NO. 29:**

16 Copies of all data and files generated and stored on your personal computer and/or
17 external hard drive that you claim were accessed by Bungie.

18 **RESPONSE:**

19 Mr. May objects to this request as being unduly burdensome and disproportionate in
20 that such documents are already in the possession of Bungie as evidenced by Bungie
21 production Documents BUNGIE_WDWA_0000409 and BUNGIE_WDWA_0000367.
22

23 **REQUEST FOR PRODUCTION NO. 30:**

24 All documents related to any technological measures that control access to your data
25 and files on your personal computer and/or external hard drive that you claim were
26 circumvented by Bungie.
27
28

REQUEST FOR PRODUCTION NO. 31:

All documents showing that Bungie accessed any files on your personal computer and/or external hard drive.

Mr. May will produce relevant, non-privileged documents if, and to the extent, any exist. Additional documents responsive to this request are in the possession of Bungie and will be produced following discovery thereof.

All documents related to any act of circumvention that you allege Bungie performed to access data and files on your personal computer and/or external hard drive.

Mr. May will produce relevant, non-privileged documents if, and to the extent, any exist. Additional documents responsive to this request are in the possession of Bungie and will be produced following discovery thereof.

All documents relating to all damages claimed by you in this Action.

Mr. May will produce relevant, non-privileged documents if, and to the extent, any exist.

Dated March 3, 2023.

/s/ Philip P. Mann
Philip P. Mann, WSBA No: 28860
Mann Law Group PLLC
403 Madison Ave. N. Ste. 240
Bainbridge Island, Washington 98110

Phone (206) 436-0900
phil@mannlawgroup.com
Attorneys for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on March 3, 2023, I caused the foregoing document to be electronically mailed to counsel of record as follows:

WRava@perkinscoie.com

JDini@perkinscoie.com

CMarcelo@perkinscoie.com

s/ Philip P. Mann

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC., a Delaware corporation,

Plaintiff

v.

AIMJUNKIES.COM, a business of unknown
classification; PHOENIX DIGITAL GROUP
LLC, an Arizona limited liability company;
JEFFREY CONWAY, an individual; DAVID
SCHAEFER, an individual; JORDAN GREEN,
an individual; and JAMES MAY, an individual,
Defendants.

Cause No. 2:21-cv-0811 TSZ

**DEFENDANT PHOENIX
DIGITAL GROUP LLC'S
SUPPLEMENTAL RESPONSE
TO PLAINTIFF'S
INTERROGATORY NO. 10**

Pursuant to Federal Rule of Civil Procedure 26, 33 and 34, Defendant Phoenix Digital Group LLC ("Phoenix Digital") hereby supplements its response to Plaintiff Bungie, Inc.'s Interrogatory No. 10 as follows:

GENERAL OBJECTIONS

Phoenix Digital's General Objections set out in its RESPONSES TO PLAINTIFF'S SECOND SET OF INTERROGATORIES NOS. 8-10 served March 3, 2023 are incorporated as if set out fully herein.

SUPPLEMENTAL RESPONSE

INTERROGATORY NO. 10:

Calculate and provide the basis for each category of Phoenix Digital's alleged damages, specifying how Phoenix Digital reached those calculations.

RESPONSE:

See Paragraph 75 of Phoenix Digital's of First Amended Counterclaim. Phoenix Digital will supplement its answer to this interrogatory as more information becomes available.

SUPPLEMENTAL RESPONSE:

Bungie's breach of the express terms of the Phoenix Digital Terms of Service has caused and is continuing to cause harm and damage to Phoenix Digital. Such damages include but are not limited to investigating and responding to inaccurate and factually baseless claims by Bungie, both in and outside of court, that Phoenix Digital has engaged in unlawful conduct when it has not, which accusations have diminished the fair market value of Phoenix Digital's "aimjunkies" website, resulting in Phoenix Digital's sale of the website at a price lower than that that would have been realized had Bungie not breached the applicable Terms of Service and not made false and harmful accusations against Phoenix Digital and its Officers and Directors.

Phoenix Digital's legal fees and expenses in defending the false accusations against it stand, at present, at at least \$206,116.50 and are expected to climb as the case continues.

The value of the "aimjunkies.com" website declined from a high of \$6,384,000 in 2019 before Bungie's lawsuit was filed to \$1,920,000 in 2021 when the lawsuit was filed and Bungie's allegations against Phoenix Digital became public, ultimately falling to \$7000 when the website was sold for that amount in May, 2022.

Dated March 15, 2023.

/s/ Philip P. Mann

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Bainbridge Island, Washington 98110

Phone (206) 436-0900
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Attorneys for Defendants

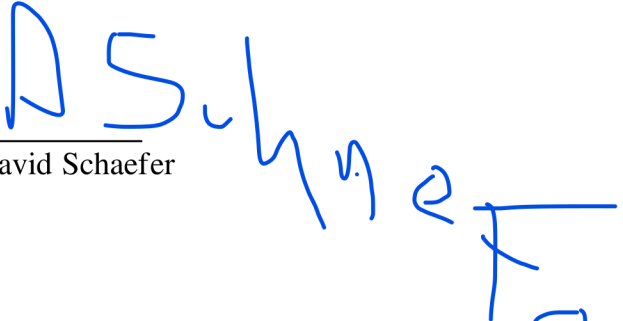
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Verification

AS TO RESPONSES TO INTERROGATORIES:

David Schaefer, being duly sworn, deposes and says that he is the President of Phoenix Digital Group LLC, Defendant in the above-captioned action, that he has read the foregoing response by him subscribed, that said response was prepared with the assistance of counsel upon which he has relied and is based on his experiences and knowledge, and that subject to said limitations, the response is are true, correct and complete to the best of his information and belief.

DATED this 15th day of March, 2023.


David Schaefer

AS TO OBJECTIONS:

/s/ Philip P. Mann
Philip P. Mann

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2023, I caused the foregoing document to be electronically mailed to counsel of record as follows:

WRava@perkinscoie.com

JDini@perkinscoie.com

CMarcelo@perkinscoie.com

s/ Philip P. Mann

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC., a Delaware corporation,

Plaintiff

v.

AIMJUNKIES.COM, a business of unknown
classification; PHOENIX DIGITAL GROUP
LLC, an Arizona limited liability company;
JEFFREY CONWAY, an individual; DAVID
SCHAEFER, an individual; JORDAN GREEN,
an individual; and JAMES MAY, an individual,

Defendants.

Cause No. 2:21-cv-0811 TSZ

**DEFENDANT PHOENIX
DIGITAL GROUP LLC'S
RESPONSES TO PLAINTIFF'S
FOURTH SET OF REQUESTS
FOR PRODUCTION NOS. 46-
57**

Pursuant to Federal Rule of Civil Procedure 26, 33 AND 34, Defendant Phoenix Digital Group LLC ("Phoenix Digital") hereby responds to Plaintiff Bungie, Inc.'s Fourth Set of Requests for Production as follows:

GENERAL OBJECTIONS

Phoenix Digital makes the following objections to Plaintiff's First Set of Requests For Production of Documents:

1. To the extent Plaintiff's definitions and instructions are inconsistent with the appropriate Federal Rules of Civil Procedure, such as Fed. R. Civ. P. 26 and 34, Phoenix Digital will rely upon the Federal Rules of Civil Procedure, the Local Rules and governing case law with respect to the subject definitions and instructions and responses.

1 2. Where a request includes words or concepts indicative of a legal conclusion,
2 Phoenix Digital does not represent or concede that such legal conclusions or concepts apply.

3 3. In those instances where the responses to Plaintiff's document requests can be
4 derived from the records of Phoenix Digital or from an examination, audit or inspection of
5 such records, and the burden of deriving or ascertaining the response is substantially the same
6 for Plaintiff and Phoenix Digital, Phoenix Digital will specify the records from which a
7 complete response may be ascertained and afford Plaintiff's counsel a reasonable opportunity
8 to audit, inspect and copy such records or provide categorized copies of such records in
9 accordance with Federal Rules of Civil Procedure 33(c).

10 4. The absence of Phoenix Digital's standing on objections should not be
11 construed as agreement that particular documents exist or will be produced. (Colloquially:
12 "The absence of 'no' does not mean 'yes.'").

13 5. Certain categories are premature since they request Phoenix Digital to produce
14 documents it does not necessarily have right now, but may or will have in the future (e.g.,
15 documents on which Phoenix Digital will rely for particular issues, exhibits Phoenix Digital
16 will use, witnesses and witness lists, documents relating to damages, etc.). Phoenix Digital
17 will comply with such requests through seasonal supplementation of its document production
18 or through reliance on documents produced by others.

19 6. To the extent any document request calls for documents or things that are
20 governed by contractual confidentiality provisions against disclosure, Phoenix Digital objects
21 to providing any such documents or things in any manner that would contravene Phoenix
22 Digital's obligations absent a Court order.

23
24 **RESPONSES TO REQUESTS FOR PRODUCTION**
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REQUEST FOR PRODUCTION NO. 46:

All documents showing that the AimJunkies.com Terms of Service described in paragraph 64 of the Amended Counterclaims were put in place on July 22, 2015, and were in place on or about January 3, 2021

RESPONSE:

Documents responsive to this request have already been produced. In addition, see deposition testimony of Dr. Edward Kaiser, as well as arbitration hearing testimony of Dr. Kaiser and “YS.” Phoenix Digital will produce relevant, non-privileged documents if, and to the extent, any exist. At present, no such documents are in the possession and/or control of Phoenix Digital.

REQUEST FOR PRODUCTION NO. 47:

All documents showing that Bungie tested, decompiled, reverse engineered, or otherwise inspected the internal workings of the Cheat Software and/or loader software.

RESPONSE:

Documents responsive to this request have already been produced. In addition, see deposition testimony of Dr. Edward Kaiser, as well as arbitration hearing testimony of Dr. Kaiser and “YS.” Phoenix Digital will produce relevant, non-privileged documents if, and to the extent, any exist. At present, no such documents are in the possession and/or control of Phoenix Digital.

REQUEST FOR PRODUCTION NO. 48:

All documents relating to all damages claimed by you as a result of Bungie’s alleged breach of the AimJunkies.com Terms of Service.

RESPONSE:

Phoenix Digital will produce relevant, non-privileged documents if, and to the extent, any exist. At present, no such documents are in the possession and/or control of Phoenix Digital.

1 **REQUEST FOR PRODUCTION NO. 49:**

2 Copies of all Phoenix Digital programs, including but not limited to the loader
3 software, allegedly accessed by Bungie.

4 **RESPONSE:**

5 As Phoenix Digital's Second Amended Counterclaim for Circumvention of
6 Technological Measures in violation of 17 U.S.C. § 1201(a), has been DISMISSED with
7 prejudice, this request is not relevant to any issue remaining in the action.

8 **REQUEST FOR PRODUCTION NO. 50:**

9 All documents related to any technological measures that control access to Phoenix
10 Digital's programs, including but not limited to the loader software, allegedly accessed by
11 Bungie.

12 **RESPONSE:**

13 As Phoenix Digital's Second Amended Counterclaim for Circumvention of
14 Technological Measures in violation of 17 U.S.C. § 1201(a), has been DISMISSED with
15 prejudice, this request is not relevant to any issue remaining in the action.

16 **REQUEST FOR PRODUCTION NO. 51:**

17 All documents showing that Bungie accessed any Phoenix Digital programs, including
18 but not limited to the loader software.

19 **RESPONSE:**

20 As Phoenix Digital's Second Amended Counterclaim for Circumvention of
21 Technological Measures in violation of 17 U.S.C. § 1201(a), has been DISMISSED with
22 prejudice, this request is not relevant to any issue remaining in the action.

23 **REQUEST FOR PRODUCTION NO. 52:**

24 All documents related to any act of circumvention that Phoenix Digital alleges Bungie
25 performed to access Phoenix Digital programs, including but not limited to the loader
26 software.

1 **RESPONSE:**

2 As Phoenix Digital's Second Amended Counterclaim for Circumvention of
3 Technological Measures in violation of 17 U.S.C. § 1201(a), has been DISMISSED with
4 prejudice, this request is not relevant to any issue remaining in the action.

5 **REQUEST FOR PRODUCTION NO. 53:**

6 All documents related to Phoenix Digital's ownership of any programs that Bungie
7 allegedly accessed, including but not limited to the loader software.

8 **RESPONSE:**

9 As Phoenix Digital's Second Amended Counterclaim for Circumvention of
10 Technological Measures in violation of 17 U.S.C. § 1201(a), has been DISMISSED with
11 prejudice, this request is not relevant to any issue remaining in the action.

12 **REQUEST FOR PRODUCTION NO. 54:**

13 All documents related to any transfer of ownership of any programs that Bungie
14 accessed, including but not limited to the loader software, to Phoenix Digital.

15 **RESPONSE:**

16 As Phoenix Digital's Second Amended Counterclaim for Circumvention of
17 Technological Measures in violation of 17 U.S.C. § 1201(a), has been DISMISSED with
18 prejudice, this request is not relevant to any issue remaining in the action.

19 **REQUEST FOR PRODUCTION NO. 55:**

20 All communications with the creator and/or author of the loader software, including
21 but not limited to Whitewater, about the loader software.

22 **RESPONSE:**

23 As Phoenix Digital's Second Amended Counterclaim for Circumvention of
24 Technological Measures in violation of 17 U.S.C. § 1201(a), has been DISMISSED with
25 prejudice, this request is not relevant to any issue remaining in the action.

26 **REQUEST FOR PRODUCTION NO. 56:**

27 All documents relating to all damages claimed by you in this Action.
28

RESPONSE:

Phoenix Digital will produce relevant, non-privileged documents if, and to the extent, any exist.

REQUEST FOR PRODUCTION NO. 57:

All documents relating to the fair market value of Phoenix Digital's AimJunkies.com website both before and after the fair market value was allegedly harmed by Bungie's acts alleged in the Amended Counterclaims.

RESPONSE:

Phoenix Digital will produce relevant, non-privileged documents if, and to the extent, any exist.

Dated March 3, 2023.

/s/ Philip P. Mann

Philip P. Mann, WSBA No: 28860

Mann Law Group PLLC

403 Madison Ave. N. Ste. 240

Bainbridge Island, Washington 98110

Phone (206) 436-0900

phil@mannlawgroup.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on March 3, 2023, I caused the foregoing document to be electronically mailed to counsel of record as follows:

WRava@perkinscoie.com

JDini@perkinscoie.com

CMarcelo@perkinscoie.com

s/ Philip P. Mann

Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BUNGIE, INC., a Delaware corporation,

Plaintiff,

vs.

Cause No. C18-01274 TSZ

AIMJUNKIES.COM, a business of unknown
classification; PHOENIX DIGITAL GROUP
LLC, an Arizona limited liability company;
JEFFREY CONWAY, an individual; DAVID
SCHAEFER, an individual; JORDAN
GREEN, an individual; and JAMES MAY, an
individual,

Defendants.

**DEFENDANTS' RESPONSES TO
PLAINTIFF'S FIRST SET OF
REQUESTS FOR ADMISSION
NOS. 1-24**

Pursuant to Federal Rule of Civil Procedure 26, 33 AND 34, Defendants hereby
responds to Plaintiff Bungie, Inc.'s ("Bungie") First Set of Requests for Admission as follows:

GENERAL OBJECTIONS

1. Defendants expressly reserve the right to supplement, clarify, revise, or correct
any or all of the responses and objections herein, and to assert additional objections or
privileges, in one or more subsequent supplemental responses.

2. To the extent Bungie's definitions and instructions are inconsistent with the
appropriate Federal Rules of Civil Procedure, such as Fed. R. Civ. P. 26 and 36, Defendants

1 will rely upon the Federal Rules of Civil Procedure, the Local Rules and governing case law
2 with respect to the subject definitions and instructions and responses.

3 3. Where a request includes words or concepts indicative of a legal conclusion,
4 Defendants does not represent or concede that such legal conclusions or concepts apply.

5 **RESPONSES TO REQUESTS FOR ADMISSION**

6 **REQUEST FOR ADMISSION NO. 1:**

7
8 Each document Phoenix Digital produced in response to Bungie's previously-served
9 First Set of Requests for Production (Nos. 1-30) to Phoenix Digital is authentic for purposes
10 of admission into evidence during trial in this Action.

11 **Response:** Denied. As Phoenix Digital is not the author of several of the third-party
12 documents that were produced, Phoenix Digital admits only that the documents produced are
13 true and correct copies of the documents in its possession and control and can neither admit or
14 deny the veracity of the information contained therein.
15

16 **REQUEST FOR ADMISSION NO. 2:**

17 Each document Phoenix Digital produced in response to Bungie's previously-served
18 First Set of Requests for Production (Nos. 1-30) to Phoenix Digital is genuine pursuant to
19 Rule 36(a) of the Federal Rules of Civil Procedure.
20

21 **Response:** Denied. As Phoenix Digital is not the author of several of the third-party
22 documents that were produced, Phoenix Digital admits only that the documents produced are
23 true and correct copies of the documents in its possession and control and can neither admit or
24 deny the veracity of the information contained therein.
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1 **REQUEST FOR ADMISSION NO. 3:**

2 Each document Phoenix Digital produced in response to Bungie's previously-served
3 First Set of Interrogatories (Nos. 1-7) to Phoenix Digital is authentic for purposes of
4 admission into evidence during trial in this Action.

5
6 **Response:** Denied. As Phoenix Digital is not the author of several of the third-party
7 documents that were produced, Phoenix Digital admits only that the documents produced are
8 true and correct copies of the documents in its possession and control and can neither admit or
9 deny the veracity of the information contained therein.

10
11 **REQUEST FOR ADMISSION NO. 4:**

12 Each document Phoenix Digital produced in response to Bungie's previously-served
13 First Set of Interrogatories (Nos. 1-7) to Phoenix Digital is genuine pursuant to Rule 36(a) of
14 the Federal Rules of Civil Procedure.

15
16 **Response:** Denied. As Phoenix Digital is not the author of several of the third-party
17 documents that were produced, Phoenix Digital admits only that the documents produced are
18 true and correct copies of the documents in its possession and control and can neither admit or
19 deny the veracity of the information contained therein.

20 **REQUEST FOR ADMISSION NO. 5:**

21 Each document James May produced in response to Bungie's previously-served First
22 Set of Requests for Production (Nos. 1-24) to James May is authentic for purposes of
23 admission into evidence during trial in this Action.

24
25 **Response:** Denied. As Mr. May is not the author of several of the third-party
26 documents that were produced, Mr. May admits only that the documents produced are true
27

1 and correct copies of the documents in his possession and control and can neither admit or
2 deny the veracity of the information contained therein.

3 **REQUEST FOR ADMISSION NO. 6:**

4 Each document James May produced in response to Bungie's previously-served First
5 Set of Requests for Production (Nos. 1-24) to James May is genuine pursuant to Rule 36(a) of
6 the Federal Rules of Civil Procedure.

7
8 **Response:** Denied. As Mr. May is not the author of several of the third-party
9 documents that were produced, Mr. May admits only that the documents produced are true
10 and correct copies of the documents in his possession and control and can neither admit or
11 deny the veracity of the information contained therein.

12
13 **REQUEST FOR ADMISSION NO. 7:**

14 Each document James May produced in response to Bungie's previously-served First
15 Set of Interrogatories (Nos. 1-5) to James May is authentic for purposes of admission into
16 evidence during trial in this Action.

17
18 **Response:** Denied. As Mr. May is not the author of several of the third-party
19 documents that were produced, Mr. May admits only that the documents produced are true
20 and correct copies of the documents in his possession and control and can neither admit or
21 deny the veracity of the information contained therein.

22
23 **REQUEST FOR ADMISSION NO. 8:**

24 Each document James May produced in response to Bungie's previously-served First
25 Set of Interrogatories (Nos. 1-5) to James May is genuine pursuant to Rule 36(a) of the
26 Federal Rules of Civil Procedure.

1 **Response:** Denied. As Mr. May is not the author of several of the third-party
2 documents that were produced, Mr. May admits only that the documents produced are true
3 and correct copies of the documents in his possession and control and can neither admit or
4 deny the veracity of the information contained therein.

5
6 **REQUEST FOR ADMISSION NO. 9:**

7 Each document David Schaefer produced in response to Bungie's previously-served
8 First Set of Requests for Production (Nos. 1-25) to David Schaefer is authentic for purposes
9 of admission into evidence during trial in this Action.

10 **Response:** Denied. As Mr. Schaefer is not the author of several of the third-party
11 documents that were produced, Mr. Schaefer admits only that the documents produced are
12 true and correct copies of the documents in his possession and control and can neither admit
13 or deny the veracity of the information contained therein.

14
15 **REQUEST FOR ADMISSION NO. 10:**

16 Each document David Schaefer produced in response to Bungie's previously-served
17 First Set of Requests for Production (Nos. 1-25) to David Schaefer is genuine pursuant to
18 Rule 36(a) of the Federal Rules of Civil Procedure.

19
20 **Response:** Denied. As Mr. Schaefer is not the author of several of the third-party
21 documents that were produced, Mr. Schaefer admits only that the documents produced are
22 true and correct copies of the documents in his possession and control and can neither admit
23 or deny the veracity of the information contained therein.

REQUEST FOR ADMISSION NO. 11:

Each document David Schaefer produced in response to Bungie's previously-served First Set of Interrogatories (Nos. 1-3) to David Schaefer is authentic for purposes of admission into evidence during trial in this Action.

Response: Denied. As Mr. Schaefer is not the author of several of the third-party documents that were produced, Mr. Schaefer admits only that the documents produced are true and correct copies of the documents in his possession and control and can neither admit or deny the veracity of the information contained therein.

REQUEST FOR ADMISSION NO. 12:

Each document David Schaefer produced in response to Bungie's previously-served First Set of Interrogatories (Nos. 1-3) to David Schaefer is genuine pursuant to Rule 36(a) of the Federal Rules of Civil Procedure.

Response: Denied. As Mr. Schaefer is not the author of several of the third-party documents that were produced, Mr. Schaefer admits only that the documents produced are true and correct copies of the documents in his possession and control and can neither admit or deny the veracity of the information contained therein.

REQUEST FOR ADMISSION NO. 13:

Each document Jordan Green produced in response to Bungie's previously-served First Set of Requests for Production (Nos. 1-20) to Jordan Green is authentic for purposes of admission into evidence during trial in this Action.

Response: Denied. As Mr. Green is not the author of several of the third-party documents that were produced, Mr. Green admits only that the documents produced are true

1 and correct copies of the documents in his possession and control and can neither admit or
2 deny the veracity of the information contained therein.

3 **REQUEST FOR ADMISSION NO. 14:**

4 Each document Jordan Green produced in response to Bungie's previously-served
5 First Set of Requests for Production (Nos. 1-20) to Jordan Green is genuine pursuant to Rule
6 36(a) of the Federal Rules of Civil Procedure.

7
8 **Response:** Denied. As Mr. Green is not the author of several of the third-party
9 documents that were produced, Mr. Green admits only that the documents produced are true
10 and correct copies of the documents in his possession and control and can neither admit or
11 deny the veracity of the information contained therein.

12
13 **REQUEST FOR ADMISSION NO. 15:**

14 Each document Jordan Green produced in response to Bungie's previously-served
15 First Set of Interrogatories (No. 1) to Jordan Green is authentic for purposes of admission into
16 evidence during trial in this Action.

17
18 **Response:** Denied. As Mr. Green is not the author of several of the third-party
19 documents that were produced, Mr. Green admits only that the documents produced are true
20 and correct copies of the documents in his possession and control and can neither admit or
21 deny the veracity of the information contained therein.

22
23 **REQUEST FOR ADMISSION NO. 16:**

24 Each document Jordan Green produced in response to Bungie's previously-served
25 First Set of Interrogatories (No. 1) to Jordan Green is genuine pursuant to Rule 36(a) of the
26 Federal Rules of Civil Procedure.

1 **Response:** Denied. As Mr. Green is not the author of several of the third-party
2 documents that were produced, Mr. Green admits only that the documents produced are true
3 and correct copies of the documents in his possession and control and can neither admit or
4 deny the veracity of the information contained therein.
5

6 **REQUEST FOR ADMISSION NO. 17:**

7 Each document Jeffrey Conway produced in response to Bungie's previously-served
8 First Set of Requests for Production (Nos. 1-22) to Jeffrey Conway is authentic for purposes
9 of admission into evidence during trial in this Action.

10 **Response:** Denied. As Mr. Conway is not the author of several of the third-party
11 documents that were produced, Mr. Conway admits only that the documents produced are true
12 and correct copies of the documents in his possession and control and can neither admit or
13 deny the veracity of the information contained therein.
14

15 **REQUEST FOR ADMISSION NO. 18:**

16 Each document Jeffrey Conway produced in response to Bungie's previously-served
17 First Set of Requests for Production (Nos. 1-22) to Jeffrey Conway is genuine pursuant to
18 Rule 36(a) of the Federal Rules of Civil Procedure.
19

20 **Response:** Denied. As Mr. Conway is not the author of several of the third-party
21 documents that were produced, Mr. Conway admits only that the documents produced are true
22 and correct copies of the documents in his possession and control and can neither admit or
23 deny the veracity of the information contained therein.
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1 **REQUEST FOR ADMISSION NO. 19:**

2 Each document Jeffrey Conway produced in response to Bungie's previously-served
3 First Set of Interrogatories (No. 1) to Jeffrey Conway is authentic for purposes of admission
4 into evidence during trial in this Action.

5
6 **Response:** Denied. As Mr. Conway is not the author of several of the third-party
7 documents that were produced, Mr. Conway admits only that the documents produced are true
8 and correct copies of the documents in his possession and control and can neither admit or
9 deny the veracity of the information contained therein.

10
11 **REQUEST FOR ADMISSION NO. 20:**

12 Each document Jeffrey Conway produced in response to Bungie's previously-served
13 First Set of Interrogatories (No. 1) to Jeffrey Conway is genuine pursuant to Rule 36(a) of the
14 Federal Rules of Civil Procedure.

15
16 **Response:** Denied. As Mr. Conway is not the author of several of the third-party
17 documents that were produced, Mr. Conway admits only that the documents produced are true
18 and correct copies of the documents in his possession and control and can neither admit or
19 deny the veracity of the information contained therein.

20
21 **REQUEST FOR ADMISSION NO. 21:**

22 Each document Defendants produce in this Action, but which has not yet been
23 produced by Defendants, is authentic for purposes of admission into evidence during trial in
24 this Action.

25 **Response:** Denied. As Mr. Conway is not the author of several of the third-party
26 documents that were produced, Mr. Conway admits only that the documents produced are true
27

1 and correct copies of the documents in his possession and control and can neither admit or
 2 deny the veracity of the information contained therein.

3 **REQUEST FOR ADMISSION NO. 22:**

4 Each document Defendants produce in this Action, but which has not yet been
 5 produced by Defendants, is genuine pursuant to Rule 36(a) of the Federal Rules of Civil
 6 Procedure.

7
 8 **Response:** Denied. Responding further, this request is unclear in that Defendants have
 9 produced all unprivileged documents responsive to Bungie's requests and any document or
 10 documents "Defendants produce in this Action, but which has not yet been produced by
 11 Defendants," necessarily are documents not yet known to Defendants. Defendants can neither
 12 admit nor deny the authenticity of documents that are, at present, unknown to them.
 13

14 **REQUEST FOR ADMISSION NO. 23:**

15 Each document Defendants produced in the Arbitration is authentic for purposes of
 16 admission into evidence during trial in this Action.

17
 18 **Response:** Denied. Not all documents Defendants produced in the Arbitration were
 19 admitted during the Arbitration hearing. Answering further, documents produced by
 20 Defendants in the Arbitration were third-party documents authored by parties other than
 21 Defendants, and Defendants can neither admit or deny the veracity of the information
 22 contained therein.
 23

24 **REQUEST FOR ADMISSION NO. 24:**

25 Each document Defendants produced in the Arbitration is genuine pursuant to Rule
 26 36(a) of the Federal Rules of Civil Procedure.

1 **Response:** Denied. Not all documents Defendants produced in the Arbitration were
2 admitted during the Arbitration hearing. Answering further, documents produced by
3 Defendants in the Arbitration were third-party documents authored by parties other than
4 Defendants, and Defendants can neither admit or deny the veracity of the information
5 contained therein.
6

7 Dated February 20, 2023

Respectfully submitted,

8 /s/ Philip P. Mann

9 Philip P. Mann, WSBA No: 28860

10 **Mann Law Group PLLC**

11 107 Spring St.

12 Seattle, Washington 98104

13 Phone (206) 436-0900

14 Fax (866) 341-5140

15 phil@mannlawgroup.com

16 Attorneys for Plaintiff Defendants Inc.

CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2023, I caused the foregoing document to be electronically mailed to counsel of record as follows:

WRava@perkinscoie.com

JDini@perkinscoie.com

CMarcelo@perkinscoie.com

s/ Philip P. Mann _____

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Representative of Respondents

JAMS CONSUMER ARBITRATION

Bungie, Inc., Claimant, v. David Schaefer, Aimjunkies.com, Phoenix Digital Group LLC, Jordan Green, Jeffrey Conway, and James May, Respondents.	JAMS Reference #: 5160000075 RESPONDENTS' RESPONSES TO CLAIMANT'S FIRST SET OF REQUESTS FOR PRODUCTION NOS. 1-8
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Respondent's Responses

1. Documents responsive to Request No. 1 have been produced in connection with Western District of Washington Case No. 2:21-cv-0811 TSZ. Respondents do not have any versions of the Cheat Software, its source code and/or its object code.
2. All unprivileged documents responsive to Request No. 2 have been produced in connection with Western District of Washington Case No. 2:21-cv-0811 TSZ.
3. All documents responsive to Request No. 3 have been produced in connection with Western District of Washington Case No. 2:21-cv-0811 TSZ.
4. All documents responsive to Request No. 4 have been produced in connection with Western District of Washington Case No. 2:21-cv-0811 TSZ.

5. All documents responsive to Request No. 5 have been produced in connection with Western District of Washington Case No. 2:21-cv-0811 TSZ.
6. All documents responsive to Request No. 6 have been produced in connection with Western District of Washington Case No. 2:21-cv-0811 TSZ or have been obtained by Bungie via the subpoenas served in that case.
7. All documents responsive to Request No. 7 have been produced in connection with Western District of Washington Case No. 2:21-cv-0811 TSZ.
8. All documents responsive to Request No. 8 have been produced in connection with Western District of Washington Case No. 2:21-cv-0811 TSZ.

Dated this 10th Day of October, 2022.

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Representative of Respondents

CERTIFICATE OF SERVICE

I hereby certify on the date indicated below, I served the foregoing on Claimant's counsel via email as follows:

WRava@perkinscoie.com

JDini@perkinscoie.com

CMarcelo@perkinscoie.com

DATED: October 10, 2022.

/s/ Philip P. Mann

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Representative of Respondents

JAMS CONSUMER ARBITRATION

Bungie, Inc., Claimant, v. David Schaefer, Aimjunkies.com, Phoenix Digital Group LLC, Jordan Green, Jeffrey Conway and James May, Respondents.	JAMS Reference #: 5160000075 RESPONDENTS' RESPONSES TO CLAIMANT'S FIRST SET OF INTERROGATORIES NOS. 1-11
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Respondents' Responses

1. The answer to this Interrogatory may be ascertained by reference to Documents produced in connection with Western District of Washington Case No. 2:21-cv-0811 TSZ and, in particular, to the sales records produced in response to the subpoenas served by Bungie in that matter.
2. Respondents David Schaefer, Aimjunkies.com, Phoenix Digital Group LLC, Jeffrey Conway and Jordan Green, answer, "none." Respondent James May answers, "See Mr. May's answer to Interrogatory No. 3 served October 10, 2022 in connection with Western District of Washington Case No. 2:21-cv-0811 TSZ.
3. See Phoenix Digital's July 25, 2022 and September 2, answers to Bungie's Interrogatory No. 6 provided in connection with Western District of Washington Case No. 2:21-cv-0811 TSZ.

4. See Phoenix Digital's July 25, 2022 answer to Bungie's Interrogatory No. 1 provided in connection with Western District of Washington Case No. 2:21-cv-0811 TSZ.
5. Respondents had no relationship with the person identified in response to interrogatory 4 above.
6. Respondents became aware in or about October 2019 when the person identified in Response 4 above offered to have Phoenix Digital distribute the product.
7. Aimjunkies.com is a website formerly operated by Phoenix Digital Group LLC. Respondents David Schaefer, and Jordan Green, answer they are current members of Phoenix Digital Group LLC. Respondent Jeffrey Conway answers that his was a former member of Phoenix Digital Group LLC. Respondent James May answers that he is an independent contractor who has done work for Phoenix Digital Group LLC.
8. Respondents David Schaefer, Aimjunkies.com, Phoenix Digital Group LLC, Jeffrey Conway and Jordan Green, answer, "no." Respondent James May answers, "yes" and that any further answer to this interrogatory may be ascertained by reference to server logs maintained by Bungie.
9. The answer to this Interrogatory may be ascertained by reference to Documents produced in connection with Western District of Washington Case No. 2:21-cv-0811 TSZ and, in particular, to the sales records produced in response to the subpoenas served by Bungie in that matter.
10. Respondents David Schaefer, Aimjunkies.com, Phoenix Digital Group LLC, Jeffrey Conway and Jordan Green, answer, "none." Respondent James May answers that the answer to this interrogatory may be ascertained by reference to server logs maintained by Bungie.
11. Maintenance was performed by third parties believed to be Andreas Banek.

Dated this 10th Day of October, 2022.

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e-mail: phil@mannlawgroup.com

Representative of Respondents

CERTIFICATE OF SERVICE

I hereby certify on the date indicated below, I served the foregoing on Claimant's counsel via email as follows:

WRava@perkinscoie.com

JDini@perkinscoie.com

CMarcelo@perkinscoie.com

DATED: October 10, 2022.

/s/ Philip P. Mann